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UTAH

STATEMENT AND BRIEF

CONCERNING THE CAMPAIGN OF THE COAL OPERATORS OF UTAH

AGAINST

ORGANIZED LABOR AND THE UNIONIZING OF THE UTAH COAL FIELDS

THEIR RESORT TO ARMED FORCE; THEIR EFFORTS TO MONOPOLIZE COAL PRODUCTION; CONTROL PRICES; PLUNDER THE PUBLIC; PAUPERIZE LABOR; OWN AND CONTROL PUBLIC OFFICIALS, AND USE THE NATIONAL GUARD AND THE CRIMINAL COURTS TO SUPPRESS FREE SPEECH, DESTROY INDIVIDUAL LIBERTY, AND TO ENSLAVE THOSE WHO TOIL FOR THE ENRICHMENT OF THE COAL MONOPOLISTS.

CORPORATE CONTROL MAINTAINED BY GUNMEN, COMMISSIONED AS DEPUTIES BY A SHERIFF WHO IS NOW A COMPANY GUARD; SANCTIONED BY COUNTY COMMISSIONERS NAMED BY THE OPERATORS AND DRAWING COMPANY PAY.

A REPLY TO OPERATOR'S BRIEF No. 6, WITH BUT A FEW FACTS UNMENTIONED BY THE OPERATORS.

LET THE TRUTH BE KNOWN

SUBMITTED BY THE UNION COAL MINERS OF UTAH TO THE UNITED STATES COAL COMMISSION, JULY 25TH, 1923.

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UTAH

Before the
United States Coal Commission

STATEMENT OF FACTS CONCERNING THE COAL SITUATION IN UTAH PRIOR TO AND DURING THE SUMMER OF 1923; THE USE OF GUNMEN, FORCE, VIOLENCE AND INTIMIDATION BY THE OPERATORS TO PREVENT THE UNIONIZING OF THE COAL FIELDS, THUS ENABLING THEM NOT ONLY TO PREVENT ANY UNITED EFFORT NECESSARY TO REMEDY THE WRONGS PRACTICED DAILY TO SATISFY THE GREED OF THE COAL BARONS, BUT LITERALLY TO ENSLAVE THEIR EMPLOYEES.

RECITAL

The main line of the Denver & Rio Grande Railroad runs in a southeasterly direction from Salt Lake City, through Utah, Carbon, Emery and Grand counties to the Colorado state line. This road traverses one of the greatest bituminous coal fields in the world. Some of the veins being worked are from twenty to thirty feet in thickness. The workable veins in several mines equal in thickness more than seventy feet. This coal is of excellent quality. It does not slack readily, while some of the veins furnish the best quality of coking coal. Until about ten years ago the Denver & Rio Grande Railroad had a complete monopoly of all coal shipped from this district. In addition to that, it owned the stock of the Pleasant Valley Coal Company and the Utah Fuel Company, the largest producers in the field. It is an admitted fact that for many years after the passage of the Interstate Commerce Act, independent companies were prevented from operating. Competition was unknown and the "Gould interests" absolutely monopolized the field. Practically the only coal sold in Utah, in opposition, came from Wyoming. After years of struggle and litigation, the Interstate Commerce Commission brought some measure of relief. Then independent companies were organized and began successful competitive production.

Finally the United States Fuel Company was organized and entered the field both as a producer and carrier. It organized the Utah Railway Company and constructed approximately forty miles of railroad and projected its line paralleling the Denver & Rio Grande for about sixty miles additional—or to Provo, Utah, where it was to have an outlet over the Oregon Short Line—now the Union Pacific system. To prevent the complete construction of this competing line joint operating and joint trackage arrangements were enteerd into whereby the Utah Railway Company's trains were to be operated by the Denver & Rio Grande Company. These new developments greatly increased the coal production in Utah, and coal markets were extended, not

only to all the Western coast states, but to Idaho and Montana on the north, the latter state using vast quantities of coke for its smelters, in addition to coal for its domestic and manufacturing purposes.

PRIOR TO 1903

Before 1903, the Pleasant Valley Coal Company and the Utah Fuel Company operated mines at Winter Quarters, Mud Creek and Clear Creek, (situated on a branch line of the Denver & Rio Grande); also at Castlegate, on its main line, and at Sunnyside on another branch line running from Mounds, Utah. These camps are all in Carbon County. The U. P. Mine, located at Scofield, and owned by the Union Pacific Railroad Company, had been opened long prior to 1903, but was only worked at intervals. These were the only mines operated in the Utah field. It was then for the first time that a determined effort was made to Unionize the camps. A strike was called. A large percentage of the men responded. Their fight was for better living, working and wage conditions. The homes and living surroundings, especially in Castlegate, Mud Creek, and in certain portions of Winter Quarters and Sunnyside were poor indeed—in many instances but merely over-crowded hovels, the sanitary conditions being vile. A few miners with families leased from the Companies small blocks of ground and built their own houses, but under the terms of a written lease which gave the companies the right, upon thirty days' notice, to terminate the lease. If the buildings and improvements were not removed within that time, they forfeited the same to the companies. Check weigh-men were not allowed. Grievances, no matter how just, were left to the whims and prejudices of company sub-officials. There was no appeal, no committees to investigate, no method of righting any wrong, the men were slaves and wage conditions were pathetic.

1903 STRIKE

Under these conditions the strike of 1903-4 was called. At that time every justice of the peace of the coal camps was an employee of the coal companies, or under their control. The sheriff, (Hyrum Wilcox), was a coal employee and tool. The county commissioners were all either employees of the companies, or named by the corporations for this office. The county attorney, (W. H. Fry) was local counsel for the Railroad Company which owned the coal corporations, and he permitted the general attorney of the Utah Fuel Company, (Mark P. Braffet), to institute and prosecute all cases deemed by him necessary to help win the strike. Deputy sheriffs on the payroll of the companies were named by the companies' attorney, promptly commissioned by the companies' sheriff, and thus the entire local machinery of the law was in the hands of the coal corporations. Wholesale arrests were made. If the charge was a misdemeanor the defendant was promptly convicted, and unless he could furnish bonds on appeal, the sentence was enforced. If the charge was a felony, the defendant was always held to await the action of the district court, but notwithstanding numerous cases came before the district court, not one conviction was had. In but one case was there even a hung jury. In that case seven employees were jurors, and the remaining one happened to be a farmer not wearing the yoke of the company, and

he saved an innocent man. Special counsel was employed by the coal companies to prosecute. The companies' persecution having failed, the defendant was discharged without a re-trial.

Every striker was evicted, many of them in the dead of winter, with from one to three feet of snow on the ground. Houses and improvements, valued by a disinterested arbitration committee at approximately $60,000.00 were confiscated, and in only three or four instances was restitution ever made. With no acts of violence committed, but the men standing firm for the right, the poor corporations, seeing they could not win the strike unaided, finally induced the governor to call out the national guard, and to declare marital law. The guard was kept in the camps for weeks. The expenses thus forced on the taxpayers of the state amounted to $54,485.01.

Under these conditions, strike-breakers were shipped into the field. Then the miners, with their wives and children, poorly clad and improperly housed, many of them hungry and sick, were forced to yield. The strike was won by the same generous, philanthropic companies that four years before, through their mismanagement and criminal neglect, took the lives of one hundred and ninety-nine of its employees, (seven others being injured for life) in the Winter Quarters Mine No. 4, and in what is now known as the Great Scofield Disaster, and then settled with the widows and orphans on a basis of five hundred dollars for the loss of a loving husband and devoted father. This, in brief, is the history of the first coal strike in the Utah field. Unionism was, for the time being, stamped out. The operators obtained a glorious victory (?) but the public paid the bill, and the profits from these mines continued to find their way into the pockets of the Goulds and the Eastern investors, but never a dollar into the pockets of the people of Utah.

So ended the 1903-4 strike.

CONDITIONS IN THE UTAH FIELD FROM 1904 TO APRIL 1, 1922

From 1904 down to 1921, Utah was a part of District 15, of United Mine Workers of America, embracing Colorado and New Mexico. During these years but few efforts were made to organize Utah. Conditions in Colorado were unfavorable. Numerous strikes were taking place, and turmoil and strife were so severe and prolonged that no real support or encouragement was given to the Utah miners to organize. During these years, and up until the period of the war, the Utah miners were absolutely at the mercy of the operators. During the war, labor was scarce and well paid. The government insisted on justice being done the men. The operators, for the first time, did not dare discriminate against a union man. Before this, if a union man or sympathizer was known to speak of organized labor, he was quietly eliminated in practically every camp. Unionism, publicly voiced, was not tolerated, and the camps were kept and maintained non-union. After the war was ended the old policy was gradually re-established. Free speech was not tolerated if expressed in favor of organized labor. Known sympathizers were promptly discharged, and a quiet black-listing was maintained. There was unity of action among the operators. They maintained a coal operators' organization for their mutual benefit, but the men were denied the same privileges.

1919 CONDITIONS

In 1919 a few local organizations were perfected. During that year a strike was called by the International Organization, but Utah was not included in the call. Notwithstanding this fact, some of the men walked out. Immediately President John L. Lewis telegraphed John McClellan, the International Organizer, then stationed at Helper, that Utah was not embraced within the strike order, and advised that the men immediately return to work. This they did. There was no trouble or disorder of any kind. There was no violence or intimidation; no "war-like" spirit was manifested, and the operators' rights were in no sense violated. This walk-out was not the result of paid agitators, as charged in the operators' brief at the bottom of page six—it was the voluntary expression of sympathy for their brothers in distress, by a few men who appreciated the justice of their cause.

DISTRICT 22

After 1919 local organizations were maintained at Scofield and Kenilworth. Some of the miners at work in other camps were enrolled in these locals. Owing to the rather unsettled conditions theretofore prevailing in Colorado and New Mexico, the Utah locals asked that Utah be withdrawn from District 15, and be united with Wyoming and made a part of District 22. The National organization granted this request, and from July, 1921, Utah was under the jurisdiction of District 22, with headquarters at Cheyenne, Wyoming.

Many of the miners in the Utah field having experienced unjust discrimination by the operators were desirous that an organization be perfected in all the camps. Accordingly, during the year 1921, William Houston was sent by the International organization in response to the appeal from the Utah locals to advise and aid in this work. In October, 1921, Luke Radalj, auditor of District 22, came from Wyoming to assist the locals then in existence, and to render such aid as was proper in the further work of organization. These were the only representatives of the International or district organizations in Utah during 1921, and up until April 1, 1922. During this time a large number of men joined the union. No force, violence or intimidation of any kind or character was resorted to, in order to obtain members. Those becoming identified did so voluntarily, but fully appreciating the necessity for such course of action.

CONDITIONS IMMEDIATELY PRIOR TO APRIL 1, 1922

The bituminous operators throughout the United States having failed to agree upon a wage scale with the miners' organization prior to April 1, 1922, and the operators having announced a general wage reduction, a strike was called for April 1st, the purpose of which was to secure a proper and just wage scale, and to settle other existing differences. Utah, however, was not included in this call by the International or district organizations. There was no thought on the part of any of the officials having authority to act that Utah would in any manner become involved.

Some of the Utah coal companies as early as January of that year announced a very great reduction in wages. This led to more or less local discussion and controversy. Finally the com-

panies which had not theretofore announced a reduction sought to put the new reduced wage scale into effect on April 1st. Thereupon, to the surprise and astonishment of the officials of District 22, a large percentage of the miners engaged in the Spring Canyon mines, walked out. Many others working at Clear Creek, Winter Quarters, Scofield, Kenilworth, Castle Gate and Rolapp joined in the strike. It was then that the district organization was asked by the Utah miners to assist in perfecting locals in all the coal camps. The wage reduction was so radical, and living and other expenses not having been reduced proportionately, that the miners felt that they were being unjustly discriminated against. The men who had walked out then appealed to those remaining at work to unite with them in perfecting a proper state organization, thus placing themselves in a position in which they could collectively demand the righting of the wrongs of which they complained. Under these conditions the strike in Utah began. It was the action of the miners in thus striking that has afforded the Utah operators a pretext for denouncing union labor. The men who had toiled faithfully for these corporations for many years suddenly became "warlike," in the estimation of the operators, and were "conducting" a campaign of "violence and intimidation." It was this strike that afforded the special committee of the operators the excuse for misrepresenting the objects and purposes of the Utah miners, and the district and local officers. It served as a pretext for presenting their brief No. 6, upon the Utah situation. Let us see if the facts and circumstances warrant the charges made and the conclusions reached by the operators' special committee, and as presented to this honorable commission by the eminent gentlemen who have attached their names as counsel to the brief filed.

THERE ARE SO MANY STATEMENTS MADE AND CONCLUSIONS DRAWN THAT WE KNOW ARE NOT WARRANTED BY THE FACTS, WE DEEM A DETAILED REPLY TO THESE CHARGES NECESSARY TO A COMPLETE AND FULL UNDERSTANDING OF THE CIRCUMSTANCES AND CONDITIONS EXISTING DURING THE STRIKE, AND PARTICULARLY IN RELATION TO THE ALLEGED ACTS OF VIOLENCE, CHARGED TO HAVE BEEN A PART OF THE PLAN OF THE ORGANIZERS TO ESTABLISH A UNION IN THE UTAH COAL FIELDS.

The opening statement in the operators' brief wrongfully assumes that a "campaign of violence was conducted by the United Mine Workers of America against the non-union miners of Utah," and "for the purpose of aiding its nation-wide strike by preventing non-union Utah coal from reaching the American public."

This statement is false in every particular. No "campaign of violence was conducted by the United Mine Workers," and the strike in Utah did not have for its purpose the "aiding of a nation-wide strike," by "preventing non-union coal from reaching the American public." These false assumptions are repeated in varied forms in the preliminary statement. Here it is "the story of a non-union mining community" being "invaded from other states by organizers," and

"for the sole purpose of aiding the nation-wide strike," and *not for the purpose of benefiting the miners of Utah."* Again these invaders "through violence and intimidation" attempted "to force the Utah coal miners to leave their employment and to prevent the Utah coal fields from shipping coal to the American public. * * * "Their methods of violence and intimidation * * * at first made some headway * * * some employees were induced to go on strike * * * many men were intimidated," and did not "dare to continue their work." This alleged "reign of terror * * * met with sturdy opposition. As soon as the governor of the state was convinced that lawlessness and violence existed he sent detachments of the state troops to the coal area. Martial law was declared, and law and order were soon established."

LET US EXAMINE THE FACTS IN RELATION TO THESE CHARGES.

Was a campaign of violence conducted by the United Mine Workers in Utah? We emphatically answer, no. Who makes this charge? We unhesitatingly answer, no one but the officers of the coal companies or some one under their direct control, or on their pay roll, or who is desirous of securing some favor or benefit from them.

Every union official and member well knew that all that the operators desired was some manifestation of force, or violence or intimidation by some organization member, something that would furnish an excuse for the operators to charge the unions with wrong doing; some little show of resentment against the practiced tyranny of their gunmen; something that would afford a mere semblance of an excuse to wire or telephone the governor of the state that "warfare" existed. And so, "Please declare martial law and send the national guard to protect our gunmen and property from these lawless, warlike, peoned-strikers, who have been our slaves for lo, these many years." Anything to blind the public and permit their hirelings, local newspapers, to constantly publish sensational scarehead misrepresentations about alleged acts of intimidation, or the shooting of a mine trip, or the threatening exhibition of fire arms, and the unlawful attack upon peaceful, law-abiding strike breakers and mine guards—this would suffice.

Too well did these miners know that the very thing the operators wanted was "force, violence and intimidation," that acts of this kind would bring the national guard and mean martial law. They knew it would place upon the tax payers of the state the heavy burden of defraying the expenses incurred in helping the operators win the strike, and so throttle labor and permit a continuation of the injustice that had been so long practiced within the state. Can it for a moment be imagined that these organizers and men would do, or countenance the doing of the very thing that would destroy them and their proposed organization?—that would lose them their fight for industrial freedom? Yet this is the ridiculous charge made.

The facts, and the truth is, from the very moment it became apparent that the men would not stand for the wrongful, the unjust wage reduction proposed and put into effect by the coal companies, that every official, whether international, district or local, warned against any act of force, violence or intimidation. The counsel retained by the union accepted employment only upon the express understanding that the strike would be carried on wholly within the law, that no acts

of lawlessness would be tolerated. The officials and their counsel in every public meeting held, and in every private conference, urged the complete observance of the laws. They proclaimed in public speeches, in private conversations, and in written communications that any strike member found violating the law in any respect would not be tolerated within the union, or receive the protection of the organization. The mayors and public officials of Price and Helper, where public meetings were held, were invited to attend. All duly constituted executive officers were pledged the full support and co-operation of the organization in the preservation of law and order. The union officials appointed law and order committees whose duty it was to see that no disturbances of any kind occurred. They made careful observations of the conduct of all members. Nothing was left undone by the officials and leaders to preserve order, and order was preserved. In Helper and the immediate vicinity, where 2000 strikers were quartered for three months, there was absolutely no trouble. There were never more than two peace officers on duty at any one time. Men walked the streets. They met and conversed. They held public meetings, conducted parades, visited pool halls, soft drink parlors and places of amusement, but they never gave the officers of the law a moment's trouble, for in this town there were no armed guards. The only time from April 1 to June 13, 1922, when there was even a semblance of trouble at Helper was when swaggering armed company guards came into town and attempted to monopolize the sidewalks and shoved the mine strikers into the streets, in an endeavor to engage them in controversies. On these occasions the strikers quietly notified the city marshal, and he in turn ordered the guards to disarm or leave the city. This was the record in Helper.

At Price, the county seat, eight miles from Helper, were seen, day by day, numerous strikers. They came, visited their friends and patronized places of amusement, the restaurants, the stores and coffee houses. Everything was peaceful and quiet. Not one arrest was made in this city on account of any act of violence due to the strike situation. Under the state law, it is a misdemeanor for a foreigner to possess fire arms. In Price one Greek was arrested for such unlawful possession. He had just purchased a revolver. He paid a small fine and his revolver was confiscated. In this city public open air meetings were held with the permission of the mayor. Here James Morgan, the secretary and treasurer of District 22, one of the most highly respected citizens of Cheyenne, Wyoming, John Ramsay, for years one of the trusted and respected officials of District 22, from Rock Springs, Wyoming, together with Samuel A. King, one of the attorneys for the organization, addressed the meetings. Special attention was called to the fact that the operators, with their gunmen, were endeavoring to engage the men in trouble, for the express purpose of having the national guard sent into the field. The men were warned to be on their guard, to suffer insult and abuse (which they did) but not to in any manner resist. The strikers were called upon to support the sheriff and the properly constituted officers in the enforcement of the law. Attention was called to the fact that pledges had been made to the governor by the union officials and their attorneys that the United Mine Workers would obey the law; that as a result of their peaceful conduct from April 1st until June 13th, when the last meeting was held, the operators *had been unable to secure the services of the national guard.* At this meeting the course

of the officials and their counsel was indorsed. Loyal support was pledged to the officers of the law in the discharge of their duties. Full report of the meetings held and the advice given were published in both local and state papers. That this was the policy of the organization was known by every fair minded person in the community. During the entire strike not a single arrest for any offense growing out of the strike occurred at Castle Gate, Clear Creek, Winter Quarters, Heiner, Mohrland, Kenilworth, Storrs, Rains, Latuda, Standardville, Rolapp, Wattis or Peerless. The only claimed disturbance or acts of violence where arrests were made at any time were for transactions near Sunnyside and near Black Hawk, on the public highway, at Scofield and at New Helper, near the mouth of Spring Canyon. The acts charged to have occurred in these places will hereafter be discussed in detail. The foregoing facts connot be disputed.

Does this look like a warlike campaign of force, violence and intimidation was being conducted by the United Mine Workers of America against the non-union miners of Utah? Yet this is the baseless accusation.

THE OPERATORS CHARGE THAT THE STRIKE WAS CARRIED ON "FOR THE PURPOSE OF AIDING ITS NATION-WIDE STRIKE BY PREVENTING NON-UNION UTAH COAL FROM REACHING THE AMERICAN PUBLIC AND NOT FOR THE PURPOSE OF BENEFITING THE MINERS OF UTAH."

There never was a more unjust or wicked charge preferred. It is a deliberate and willful misrepresentation of the objects and purposes of both the miners and the organization officials. It must be remembered that Utah was not embraced in the strike call; that the International organization and the district officials never contemplated a strike in Utah; that it was the Utah miners themselves who struck; that the strike was a protest against a general reduction of wages. This reduction in day labor was from $7.95 down to $5.25 per day, and on contract or tonnage labor, the reduction was from 79 cents to 55 cents per ton. Think of it, day labor reduced $2.70 a day, and contract or tonnage coal 24 cents a ton, almost a one-third reduction! The men knew, the public knew, and the mine officials realized more than anyone else, that this reduction was wrong, that it did not contain an element of justice. Above all, it was known to every person that this reduction in wages did not result in any reduction in the price of coal to the consumer, the public. The question of preventing coal from the non-union fields of Utah reaching the public was never thought about or discussed by those responsible for the strike, but there was a just and vigorous protest against the unwarranted action of the operators in endeavoring to foist reduction on to the men without even a hearing or an attempt to determine the right or wrong of this action.

CIRCUMSTANCES UNDER WHICH MEN RETURN TO WORK

It is next suggested that as soon as martial law was declared and "the weapon of violence taken away from the United Mine Workers many of the miners who had left their work returned to their employment; that it was not long before the mines were again producing coal at their normal capacity." This statement is unwarranted. The miners had no weapon of violence taken

from them. As soon as the national guard entered the field the commanding officer announced that the operators would not be permitted to ship strike breakers into the field. Immediately they uttered a cry of distress. The operators were wronged; the policy of the national guard officers was improper. Criticism was freely expressed by the operators and their hireling newspapers. For a time their protests were unheeded. The guards officers, however, announced that any individual who came honestly seeking employment would be protected in his rights. In this statement the United Mine Workers' officials concurred. Finally when the operators fully realized that this fair policy was not enabling them to win, certain underground and invisible influences brought about a change. Why? It was not stated. It was then ordered that any non-union miner desiring to enter the employ of the companies would be protected by the guards, that in effect the strike breakers or unfair labor from Colorado and surrounding states could be shipped in, to take the place of the striking miners, under the protection of the national guard. Immediately this action was protested by the United Mine Workers, unless they were allowed to maintain, at proper places, a lawful and peaceful picket under the same protection; that they should be given the right of free speech, which had been denied them ever since martial law was declared. This protest was made to Governor Charles R. Mabey. He was urged to instruct the officers in control to modify their order. This the governor declined to do. He merely stated that when martial law was declared all matters pertaining to the protection of the people in Carbon county were of local control and purely within the jurisdiction of the commanding officer in the field. The adjutant general, however, was directed to investigate the protests made. But if an investigation was ever conducted the results were never made known, at least to the United Mine Workers. This policy enabled the operators to fill their depleted ranks with incompetent, unskilled labor. This condition prevailed until about September 1, 1922, when the national strike, at least insofar as the wage scale was involved, was won by the union. It was then that Carbon county became the scene of a remarkable labor phenomenon.

STRIKE OF THE STRIKE BREAKERS

It came in the form of a strike of the strike breakers! The national organization and the union workers in Utah had carried on the fight for five months for a re-establishment of the old wage scale. The operators vociferously proclaimed, upon every occasion, that the reduced scale was in effect and would remain in operation. When the bituminous operators, however, in the central competitive field and in the Wyoming district were compelled to re-establish the old scale, the Utah operators blatantly asserted that they would not be bound by this decision. It was then that the strike breakers at Castle Gate in large numbers laid down their tools. Committees were appointed to visit the union officials at Helper and to seek advice as to how to meet this situation. These strike breakers suddenly became greatly interested in coal mining conditions in Utah, particularly in the wage scale. Word was flashed from camp to camp. Inside of twenty-four hours it was known that there would be a complete tie-up of all coal operations in the Utah field unless the Wyoming and Eastern scale (subject to proper modifications) was immediately established. The "considerate" operators, appreciating that they could not stand alone, being

afraid to brook public opinion and to encounter a complete exposé of their methods, promptly yielded. They capitulated to the demands of the strike breakers. The old scale was re-established. The United Mine Workers who had made the fight for reasonable compensation were vindicated. As soon as this victory was obtained *the union miners were advised to return to work.*

Then another remarkable phenomenon in labor controversies presented itself. The strike breakers had [illegible] from twenty-five to fifty per cent inefficient. The operators were apparently disgusted with their new found emergency employees. To relieve themselves of this unskilled, expensive, inefficient labor, a large majority of the operators began a quiet process of elimination. It must be remembered that these operators are skilled in the art of eliminating their employees without assigning any reason. They had practiced it for years upon union sympathizers. Now, however, the imported strike breaker was the victim. Gradually his numbers were depleted. It was then that many of the old employees were re-instated. Of course wherever a man was found who had the ability to make known his grievances, or one who could speak in behalf of organized labor, or who could plead the cause of down-trodden humanity and ask for justice—there was no place for him. He had to seek new fields.

UNION MEN STRUGGLE FOR THEIR OWN INTERESTS

Can it be truthfully said that men striking to prevent an unjust wage scale are not fighting in their own interest? If the operators were compelled to re-instate the scale in existence before the strike was called, does it not benefit the miners? Does anyone for a moment believe that Utah miners and the Utah organizers were not fighting for their own existence? Is it possible that the public can be made to believe that the Utah miners were imbued alone with the idea of helping their brothers in other states, and that they had no thought for themselves, their families or their children? Yet this is the charge so flippantly made by the "generous, considerate" Utah operators. But this is not all; the charge is made that the purpose in fomenting the strike in Utah was to prevent Utah coal from reaching the American public. No person having any regard for the truth would seriously make such a contention. The Utah operators had it within their power to settle the strike in Utah at any time after the 15th day of April, 1922. Proposition after proposition was submitted by the officials of the United Mine Workers and their counsel, but the operators made no reply. In every proposition submitted the miners were willing to return to work immediately at the reduced wage scale, pending the final settlement of the general strike, and then to be governed by, and accept any scale finally adopted in the central competitive district, as made applicable to Wyoming. On at least three occasions when the operators were in conference with Governor Charles R. Mabey, pleading with him to send the national guard into the field, counsel for the miners proposed to terminate the strike, and put every man back to work within twenty-four hours. The following was the proposed basis of settlement:

1. The operators were to discharge their gunmen and remove their armed forces from the camps.

2. The operators were not to discriminate against union or non-union miners. The union men to have the right of peaceful assemblage.

3. If the operators granted these requests the men would immediately return to work at the reduced scale and be governed thereafter by any wage agreement adopted in the central competitive district as modified to apply to Wyoming.

This basis of settlement was communicated repeatedly to the operators. Governor Mabey was requested to use his good offices to settle the strike upon this basis. He replied in substance that he would be glad if such settlement could be made, that it was useless, however, for him to attempt such settlement, for it was tantamount to asking the operators to recognize the union, and that he knew the operators would not settle on any such basis. Written proposals embodying these terms were submitted to the operators. This basis of settlement was repeatedly published in all the daily state papers. In public meetings and in private conversations the operators were importuned to settle the controversy and terminate the strike. A conference with the miners was absolutely refused. The operators repeatedly stated that they did not propose to allow an organization of United Mine Workers in Utah; that they would make no settlement that under any circumstances would permit the union to secure a foothold in Utah.

THE STRIKE WAS CARRIED ON BY THE OPERATORS FOR THE SOLE PURPOSE OF DESTROYING UNIONISM IN UTAH, THEREBY ENABLING THEM TO OPERATE THEIR MINES WITHOUT REGARD TO THE RIGHTS OR INTEREST OF THE MINERS.

The Salt Lake Tribune under dates of April 30th, June 14th and July 7th, contained accounts of the offers to settle the strike upon the terms above stated. If the men were willing to return to work at reduced pay; if their return to work was not based upon conditions in other coal fields, but related alone to matters pertaining to Utah, *can it be justly said that the strike in Utah was for the express purpose of aiding the nation-wide strike, by preventing non-union coal from reaching the American public?* The operators admit that at one time fifty per cent of the men were on strike. Necessarily this would result in a substantial reduction of coal for the period they were out. If, however,the operators refused to settle the strike because it might mean that they could not discriminate against union men, can it legitimately be charged that the strikers were responsible for the shortage of coal?

Again it is stated that the reign of terror which the United Mine Workers inaugurated met with sturdy opposition, but that "as soon as the governor was convinced that lawlessness and violence existed, he sent detachments of state troops to the coal area, martial law was declared and law and order was re-established." It is true that troops were sent and martial law declared, but it is not true that this was due to any reign of terror inaugurated by the United Mine Workers of America. It was the direct result of a ten weeks' campaign of misrepresentations and lawlessness carried on by the coal operators. During this entire period constant demands were made by these operators for state troops. As long as the strikers were peaceable and law-abiding, the operators could make no headway in their demands. Then began a systematic effort

by the company gunmen to provoke trouble. Every little transaction in the coal area was magnified. Sensational stories were published in the local press. Articles greatly exaggerating local conditions were daily sent to the Salt Lake newspapers. To learn the real truth of the situation, the governor sent two members of the State Industrial Commission into the field. Later, officials of the national guard were detailed to learn the truth. Other citizens, as special representatives of the governor were quietly dispatched on secret missions of investigation. Finally the governor, (incognito) visited several of the camps. He remained long enough to discover that he could secure a job if he was a good gunman. At Kenilworth he found the public highway fenced off and armed guards patroling the roadway. The governor was unable to enter the town unless he would disclose his identity, state his business, and the purpose for which he desired entrance. This he declined to do, and so was refused admittance. During this time it was alleged by the operators that a mine trip at Kenilworth was fired upon; that a like disturbance occurred at Standardville; that a train was stopped on the Utah railroad at the Jacobs switch; that trouble and shooting occurred at Scofield. Yet, with hundreds of armed guards in the field, with the sheriff's force at the command of the operators, not a solitary arrest was made for any of these alleged disturbances at the time of their alleged occurrence, and as far as the public knows, no official investigation was ever made of any of these acts, except the Scofield affair. The governor, being in possession of all these facts did not yield to the insistent pleadings of these "terribly outraged" coal operators, during a period of ten weeks. Finally, on June 14, 1922, while a carload of strike breakers from Colorado, principally Mexicans, were being brought to Standardville, shooting occurred between mine guards on the train and certain strikers who were going up the public highway towards the Jacobs switch, for the purpose of peaceably picketing the train. During this trouble, a mine guard of the Standard Coal Company, but commissioned a deputy sheriff, was killed, and at least one striker wounded. This afforded the opportunity so long desired by the operators. Trouble had at last occurred. Now the governor must act.

JOHN TENIS KILLED

The fact, however, that John Tenis, an unarmed, defenseless Greek striker, while walking along a private lane toward the public highway, on the 14th day of May, was, without warning shot in the back and killed by Lorenzo Young, a deputy sheriff performing duties for the coal companies in Spring Canyon, meant nothing. This circumstance was condoned. Just a poor, defenseless Greek miner was killed. This afforded no reason for demanding the national guard—only a miner's life had been taken. But a month later, when ten men had been armed with Springfield and Winchester rifles and given from forty to sixty rounds of ammunition each by F. C. Hennis, the superintendent of the Standard Coal Company, these men each carrying revolvers with a plentiful supply of cartridges and having been instructed to "use their own discretion as to when they should begin to shoot" and following these instructions, exercised that discretion by opening fire upon a body of unprotected men going along an open public highway, and who in defense of themselves, killed a mine guard—that was different. An outrage had been

committed, lawlessness and violence existed, and therefore the governor must send troops and declare martial law. True, lawlessness and violence did exist, but it was incited by the deliberate action of the Standard Coal Company, and its hired gunmen. It was then that the governor was "convinced that lawlessness and violence existed," but the brief filed by the operators fails to state the opinion formed by the honorable governor, as to who was responsible for the "lawlessness and violence."

THE SENDING OF THE NATIONAL GUARD, HOWEVER, DID NOT END THE STRIKE

The brief states that the history of the Utah strike teaches six lessons:

(1) That it is the settled policy of the United Mine Workers to aid its strikes in union territory by using every effort during such strike to prevent the production of coal in non-union territories;

(2) That the effort to organize non-union territory and prevent the production of non-union coal is not an effort to improve the wage or working conditions of the miners, but is a measure solely to aid the strike in union territories;

(3) That to prevent non-union coal from reaching the American public, its paid organizers and agitators rely upon violence and intimidation to accomplish their ends.

Considering these three suggested lessons together, we are impelled to ask what facts connected with the 1922 strike in Utah teach these imaginary conclusions? We respectfully submit that there was not one act of the United Mine Workers or their officers that even tends to show that it was the settled policy of the United Mine Workers to aid strikes in union territories by preventing the production of coal in Utah. From what can it be inferred that the effort to organize Utah was not an effort to improve the wage conditions within this state? The fight for the restoration of a living wage was carried on for five months, and was won. Did the restoration of the old wage scale not improve wage conditions? Are coal miners to be refused the right to organize, and yet have this right granted to coal corporations? Is it to be assumed that the mere fact that men unite for the protection of their families and their homes, that this union can only be accomplished by violence and intimidation? Is it only corporate wealth that should have the right to employ organizers? In Utah the coal operators' association had a monopoly on agitators. They were found in every form, from paid gunmen to lick-spittle officials—from hireling county press, to cringing understrappers.. They were found on the highways and byways, in the hotel lobbies and upon the street corners. By every method known a campaign of villification and slander was conducted. If the miners, however, desired to head a procession with an American flag, or hire a band, or carry a few banners announcing that they were out upon a strike, and appealing to the people not to take their jobs; that they were fighting for their homes and loved ones, they were lawless agitators engaged in warfare and invading the rights of the people.

In the purported lesson No. 4 it is asserted in substance that when the United Mine Workers were compelled to obey the law and maintain order, they were unable to longer continue the strike. National Guards entered the coal fields June 15th. The strike had then

been in progress two and one-half months. The strike continued after the coming of the guards for two and one-half months additional, or until September 1st, when the operators were compelled to reinstate the wages for which the miners contended. It was then that the strike was ended. True the union was not recognized and no agreement was made not to discriminate against the union miner. From two and three thousand men had been out upon the strike. They all joined the union. The large majority of them went back to work. Can it be assumed that they are any less union today? Do the non-union men and the strike breakers not know that it was the union men who won the fight? Did the union men not achieve a moral victory? Were they not vindicated in their positions? Why should they longer continue the strike? They were law abiding. They were not compelled to obey the law, or to maintain order.

In lessons 5 and 6 it is claimed that the operators refused to accept the check-off; that the United Mine Workers cannot successfully maintain local organizations without it.

The question of check-off was not involved in the Utah strike. The companies were not asked to accept the check-off. Loyal miners are never dependant upon operators to collect their funds in order to maintain an organization. As to whether individual coal miners will voluntarily contribute to support an organization, is aside from the question. Certainly it will not be contended, from the facts presented that any appeal was made to mine operators to aid in forcing any burden of taxation upon members of the union. If members voluntarily unite with an organization and pay their dues, certainly coal corporations cannot complain. They do not have to pay the bills. But these questions were not here involved. The lessons therefore sought to be drawn by the operators do not enter into the merits of the controversy. And while the lessons may read well, they afford no information whatever concerning the right or wrong of the Utah situation.

But why should the coal companies so strenuously object to the check-off in favor of the miners, when practically every company in the country enforces a check-off in its own behalf. They constantly exercise the check-off privilege in collecting medical and hospital fees, also in the collection of house rents, electric light charges, store accounts and other like matters, and in Utah it is a condition precedent to employment. Yet the companies deny the right to the miners to have this privilege exercised in their behalf, and where it may be a benefit and a protection to them. It costs the company nothing—they do not pay the charge. The miners do not object, but the company, in order to avoid aiding the union, refuse this benefit. It is just another instance of their opposition to the union.

We assert now, and will demonstrate hereafter, that the prolonged strike in Utah was the direct result of the determination upon the part of the Utah mine operators to forever destroy organized labor in the coal fields of Utah.

WYOMING IS FULLY UNIONIZED—THIS CONDITION HAS AFFORDED THE ONLY REAL PROTECTION TO THE NON-UNION MINERS OF UTAH

The operators boast that owing to the fact that the United Mine Workers have obtained no foothold in Utah, no wage contracts have been made with the miners, but that the wage scale is based on the wages prevailing in Wyoming, the nearest competitive field. (Brief p. 7). It is asserted that Utah wages have averaged higher than Wyoming, and that mining conditions are generally better in Utah than in the surrounding states. At present favorable wage and living conditions in Utah are due largely to the fact that Wyoming has become completely unionized. When reforms and better living conditions were there enforced, Utah naturally had to follow suit. It is true that wage conditions in some instances compare favorably with Wyoming, yet in the matter of tonnage the Utah rate was lower than the average Wyoming rate, but generally speaking, there is no comparison in the working conditions. To illustrate; in Wyoming if the miner runs into what is termed "deficiency in working places," that is, if the vein narrows or you have much bony substance, and the conditions are such that a man cannot earn a living wage, then this matter under their arrangement is taken up and adjusted with the company, and proper compensation is given to the men for the work performed. The general yardage for driving on narrow work, such as entries and cross cuts, the wage is higher in Wyoming. In Wyoming every mine has its check weighman selected and paid by the men, thus insuring correct and accurate weights on all coal mined. In the event of a controversy with the company weighman, the check weighman has back of him the Union to see that he is not discriminated against. In Utah there is no check weighman, and the men are absolutely at the mercy of the crooked weighmen of the company. If you have a check weighman selected by a few men, he then has no actual protection in case of a controversy with the company weighman or company officials. If he contends that the scales are not properly balanced, he can very readily be removed and the men are left without protection. The advantage, therefore in having a check weighman supported by an organization is that the weighman always knows that he has its support and protection in matters of dispute.

The fact that the United States Fuel Company constructed a few half-way respectable houses for its employees, is no argument in support of the position of the operators. The men occupying these company houses always have to pay rent. The company sees to it that the rent is sufficiently high to pay big interest on the money invested. The fact that the operators have refused to enter into contracts with the men, and have maintained a dictatorial policy, affords no proof that their methods have been satisfactory to the employees.

If protest is made by a few individuals, they promptly lose their jobs. Let us give a few illustrations; as early as January 5, 1922, the Lion Coal Company, with its mines at Wattis, without conference with the men, inaugurated a substantial wage reduction. As a result numerous men protested this action. These protestants were refused further employment by the company and ordered from the camp. In February, 1922, the Independent Coal & Coke Com-

pany at Kenilworth, ordered a reduction. At that time there was a fairly strong local union there. Some of the miners objected to the reduction. The company immediately announced a reduction in its forces and promptly began discharging all the men who had voiced a protest. When the men who protested were practically all discharged, then the remaining men were forced to approve the reduction. The discharged men were immediately compelled to leave the camp, with their families. W. H. Bennett, Frank Bonacci and numerous others protested, and they were immediately ordered out of the camp, with their families.

About the first of February the Royal Coal Company at Rolapp reduced the wages. The action of the company was protested by the miners. By reason of this fact they were practically all discharged. Some of the men, however, accepted the reduction and returned to work, but before April 1st, they were all "eliminated." Here no opposition to the company's demands was tolerated.

At the Kinney mine in Scofield about March 1, 1922, a reduction was ordered. A large number of the men quit work, but in an endeavor to avoid labor controversies, and under the direction of William Houston, the International organizer, and Luke Radalj, the auditor for District 22, they returned to work. The men knew, however, that the reduction was inequitable, so when they saw their fellow laborers quit work on April 1st, they voluntarily left their jobs. Their action was not the result of violence or intimidation. It did not require the work of agitators to let them know the wrongful action of the company.

All of which evidences the fact that the coal company officials brook no opposition. They are absolute dictators, and refuse all proper consideration to just grievances and complaints.

OPERATORS' DISREGARD OF LAW. THEIR VIOLATION OF THE RIGHTS OF THE PUBLIC AND OF THE UNITED MINE WORKERS

In anticipation of the strike, the companies began to employ gunmen. Every company had its full quota. They were supplied with rifles, revolvers and cartridges. In many cases these individuals were imported to Carbon county by the operators; many of them were promptly commissioned deputies by a sympathetic sheriff (who, in the autumn of 1922, by reason of his subservience to the corporations, was defeated for renomination, and then promptly employed by one of [illegible] as a mine guard, and is still performing this duty). They were given badges of authority and then placed on the company pay roll at from $5.50 to as high as $10.00 a day. These commissioned and non-commissioned gunmen received their instructions from mine officials. Acting under the protection of the law, they proceeded to violate the rights of the citizens. To them it was immaterial whether a person was a striker or not. His rights and liberties were ignored if these rights and liberties in any manner interferred with the policies of the company.

They then commenced a warfare on the United Mine Workers of America. Let us instance some of the treatment received. In many cases where evictions were desired, five days notice to vacate the leased houses was served. At the expiration of the five day period, if

the premises were not vacated, without waiting for the filing of suits and the securing of judgments and proper writs of possession, these peaceable law abiding deputies with drawn guns or revolvers would politely throw the scanty household effects out of the house and drive the women and children into the snow. This was done particularly at Winter Quarters, Kenilworth and at various Spring Canyon Mines.

WINTER QUARTERS CASES

The public highway leads from Scofield up to and through Winter Quarters. At the point where this highway crosses the boundary line of the coal properties of the Pleasant Valley Coal Company, and at the edge of the town, the company established what was termed a *dead line.* Here guards were maintained. No one could pass in or out of the town without the permission of these gunmen.

One miner who for years had been an employee of the company leased a little piece of ground under the terms of the one-sided, cut-throat provisions of the Company Form Lease. He built a comfortable little home for his wife and children. He was served with the usual five days notice to vacate. On the fifth day, without waiting for suit to be commenced, he left Winter Quarters and went to Scofield, a short distance away, to arrange for a team to move him to the tent colony, located there. During his absence two burly gunmen came to his home, demanded entrance and ordered his trembling wife and frightened children out of the house. The wife explained that her husband was then at Scofield arranging for a place to go, and for means to convey their household effects. She pleaded to be allowed to remain a few hours, until his return. Her pleadings were in vain, and their little belongings were thrown out of the house unpacked and loaded into a wagon and taken by the guards to the dead line and there dumped into the snow. The wife and children dispairingly followed their little earthly belongings. This is one of the humanitarian acts perfectly illustrating the love this company bears its old employees.

Again, a young man born and reared in Utah had been formerly employed at Clear Creek and Winter Quarters in the mines, but being a musician he gave up coal mining and commenced teaching music in the camps. He lived at Scofield. In early April on a Sunday, armed—not with a gun—but with his fiddle—he started to walk to Winter Quarters to give his pupils a music lesson. In tramping along the deep snow-covered road, he overtook a poor mother struggling along the same road carrying a small child in her arms and helping two others. The young man noticed her burden, took the child in his arms to assist her. Reaching the dead line he was stopped by three "peaceful brotherly loving" guards, who demanded to know his destination. On being advised that he was going to give some music lessons, and was helping the woman on her way with her children, he was *gently* told that he was not "going to do any such a G——D thing," and while still holding the child in his arrms he was struck in the jaw by a gunman named Wood, and knocked down. Of course this was only a little pastime. It so happened, however, that Dr. E. R. Murphy, the company physician, saw the vicious, unwar-

ranted assault and denounced the act of the good peace loving guard; but as a little reminder of his authority, the guard drew a gun and shoved it into the doctor's mid-section, and told him to mind his own D— business or he would get it. Dr. Murphy was not altogether bluffed by the bully. He finally picked up the little child, and helped the mother on her way. But the musician was denied the use of a public highway. He was compelled to forego his teaching and return with a battered jaw to Scofield. Strange to relate, no demand was made by the operators upon the governor for the national guard by reason of this warlike act of the musician, and the county attorney, we are forced to relate, forgot to prosecute this fiddling fellow. But let us record the conclusion of this episode. Dr. Murphy had grievously erred, in this and some other similar acts. He was just human. The company did not fire him, he was just "quitely eliminated," for the Pleasant Valley Coal Company no longer had need for his services. He was a liberty loving individual.

Permit us to give another Winter Quarters illustration. Before the strike a great many single men were employed. Many lived at the Company boarding house. These men had their private rooms. When these men refused to longer work, notwithstanding their board and room rent were paid, the same nice polite gunmen waited until the men were out of their rooms and then entered, grabbed their clothes, grips, trunks and little personal articles, threw them all together, loaded them into a wagon, hauled them to the *dead line* and then dumped them into the snow. The men who did not then voluntarily leave were marched out of the camp, being gently prodded along the way with the muzzle of a Winchester rifle. All were forbidden to return. Some of these same men were born in Winter Quarters. Some were living with their widowed mothers. They were also forced to leave, and in some cases were refused even permission to visit their loved ones. All were refused the right to visit the United States post office, unless accompanied by these "careful," watchful gunmen.

The arbitrary methods employed at Winter Quarters are further shown by the case of a sewing machine agent and collector who resided at Scofield. Sewing machines had been sold to various families living in Winter Quarters and Clear Creek, on the installment plan. This agent had shown some little sympathy for the strikers. He was therefore refused admittance to either of these places to make his collections. He was not a striker or in any sense identified with the strike. He was a citizen and in business. But he was denied the use of the public highway and the right to conduct his business. He finally appealed to Hon. Wm. M. Knerr (member of the Utah State Industrial Commission, who was then in that district making a full investigation of the strike situation for Governor Charles R. Mabey) for aid. Mr. Knerr was forced to take the matter up with Thomas J. Parmley, the superintendent at Winter Quarters, before he could get permission for him to visit the camps and make his collections. These Winter Quarters guards are the same ones who provoked and brought about the trouble at Scofield (mentioned in the operators' brief) in the latter part of April. These matters will be discussed hereafter.

KENILWORTH EPISODES

At Kenilworth the same willful disregard of legal rights and legal procedure shown at Winter Quarters prevailed. Families were forcibly ousted and driven from the camps. Some of them found lodgment on private property outside of the company ground. These places had previously been connected with the water system of the Independent Coal & Coke Company. When it was learned that the individuals who had theretofore procured their water supply from the company were housing strikers, the company without warning turned off the water supply and refused to furnish enough to last until arrangements could be made to haul water for their domestic and culinary purposes. To finally get water the men were forced to borrow the sprinkling cart from the city of Helper and then haul the water over rough roads four miles from Price river. All this time pipe lines carrying an ample supply of water, but owned and operated by this "fair" company, passed by their doors. This company, in the conduct of the strike, was up-to-date and adopted modern warfare methods. It procured rapid firing machine guns, planted them on its tipples and at numerous vantage points. They surrounded the town with a barbed wire fence; two of the wires carried high voltage currents. At the outer gateway a guard house was erected and there a high powered search light was maintained. This all within thirty feet of the building occupied by the union pickets. It commanded a view of the surrounding country for miles. Two highways approached this camp, one coming from Price, the county seat, on the south and east over a high ridge, the other from Spring Glen, a little village about three miles west, where it connected with the main highway passing through Carbon county. These highways were both closed. Locked gates were placed across the roads. Gunmen were stationed at these points day and night. The people still living within the camps could not leave without permission. No one could enter the town without first advising these gunmen who they were and what their business was. A few who had lived in the camps for years, but had been driven out, were absolutely refused permission to go to the post office, even when accompanied by guards. Those allowed to enter for that purpose were not permitted to speak to people in the town. It was here that Governor Mabey received some definite information as to the methods of the operators. Imagine, the governor of the state denied the right to use the public highway and unable to enter a town or traverse a road leading to a United States post office, yet this was his experience.

Adjoining the public highway leading from Spring Glen and just off the company property there is an old amusement hall owned by Peter Bianci. The mine workers secured permission to occupy this building, and on July first established quarters for about twenty-five men and there maintained a picket for over two and one-half months. From this building certain guy ropes extended to anchors just inside the company property line. Notwithstanding the strikers did not own the building but were only renting it temporarily, the company guards cut the guy ropes. Banners placed on private property adjoining the roadway, advising newcomers of the strike, were torn down by guards who were accompanying John H. Tonkin, the

superintendent of the Independent Coal & Coke Company. Nothing was too small and no act too little to be practiced, if the effect might be to wrong or to aggravate the miners.

It is charged on page 19 of the operators' brief, that at this camp on June second "a mine trip was fired upon by rifles from the surrounding hills, no miner was actually hit, but the bullets struck the cars in which the men were riding." This transaction is alleged to have occurred the day following the establishment of the picket camp near the entrance to Kenilworth. This was a deliberate attempt to charge the miners with an act of violence, but from this picket camp the mine trip of the company could not be seen. To reach the point from which the shooting was done, without passing through the camp and past the guards, would have required at least two days time. Company guards were stationed within from thirty to fifty feet of the building housing these strikers. Within a few minutes after this alleged shooting occurred, deputy sheriffs from Price, headed by J. W. Gentry, came to the picket camp to make an investigation. He asked permission to search the men, the building and surroundings. The request was willingly granted. Not a firearm of any description was found. The men were all accounted for. A daily record was kept and maintained by a committee in charge. Every individual was listed and his hours of service were noted. Every man leaving the camp was registered out and in. It was demonstrated to the satisfaction of the deputy sheriffs that the miners had no part in the transaction. As above stated, the camp was surrounded by a barbed wire fence. Guards were stationed everywhere; machine guns were mounted. These guards engaged in practically daily rifle practice. It was later stated repeatedly by strike breakers engaged in the camp, that the shots were fired by the company gunmen for the express purpose of bringing in the National Guard. Not a striker was seen in the neighborhood of the alleged firing. The transaction occurred in broad day light. It was a physical impossibility for any striker to have been near the place where the shooting occurred without being discovered. This is one of the acts of violence charged against the miners.

NEAR HIAWATHA

Some United Mine Workers walked out at Mohrland, Black Hawk and Hiawatha. These camps are owned by the United States Fuel Company. The men established a tent colony some distance from Black Hawk on privately owned property. This was an outrage in the estimation of the officials. Accordingly, a large powerful search light was erected in such a position that the light could be placed on the tents occupied by the men and their families. Night after night this powerful light was turned upon these tents. Sleeping was rendered impossible. The privacy of the temporary homes of these people was violated. Everything was done that could be devised to vex and annoy these men and their families. Not content with these constant night disturbances, and seeing that the miners still maintained their composure, new schemes were planned. Gunmen were sent in large numbers without process to search these private tent homes. The search was made for the alleged purpose of finding firearms, but without success. Nothing illegal was done by these peaceable people. They were quietly awaiting

the termination of the strike. But the company officials (some of them having been educated in the West Virginia school) would not permit the miners to live in peace. Finally, headed by one of the company superintendents, the colony was raided. Unlawful search was made. The sanctities of the homes were violated. Trespasses and assaults were committed. A few men standing on their legal rights refused to longer submit to these outrages, resisted these unlawful acts and defended their homes and families. Immediately a retreat was made, hurried telephone calls were sent to the sheriff's office at Price to send out a force of deputies to arrest the miners for riot. The sheriff dispatched by automobile Deputy Wm. A. Cook. Arriving, he announced that he was ready to arrest any person for whom the officials had a lawful warrant. These officials demanded that he arrest all strikers without process. This he refused to do. These same officials then rushed to the company justice of the peace for warrants. Soon they returned with numerous papers purporting to be "John Doe" warrants of arrest. Some were not even signed by the magistrate; others showed that no complaint had been issued. The deputy pointed out these defects and refused to serve these alleged warrants. They had, however, procured one warrant which in effect charged six men with rioting. This the deputy served, but the company officials insisted that the deputy take with him the company gunmen to make the arrests. This the officer declined to do, stating that he would make his own arrests, and without the presence of gunmen. Going alone into the camps he called for the men wanted. They promptly responded and accompanied Mr. Cook to Price, where they gave bonds for their appearance. At the preliminary hearing three of the six men were discharged, the other three without any evidence whatever to support a verdict were held to await the action of the district court. These cases have never been tried. The prosecuting officer repeatedly stated that he would accept a plea of guilty to disturbing the peace and accept a fine of $25.00 from each defendant. This proposed offer has always been refused and the cases are still pending. Because Deputy Sheriff Cook honestly endeavored to perform his duty, he was promptly denounced by the coal officials and charged with failing to do his duty. From that time on, Mr. Cook, a faithful officer, was under suspicion by all the coal operators and the sheriff. His situation was made so disagreeable that within thirty days he resigned his position.

Such were the methods employed at this camp. Notwithstanding the strike continued five months, these were the only acts of violence charged against the strikers at the United States Fuel Company camps at Mohrland, Black Hawk, Hiawatha and Heiner. With the outrages perpetuated daily upon them, is it not a remarkable showing? These camps were closed to the public for months. Armed gunmen patrolled constantly. People could not enter the camps. The United States post office became a joke. Rights of individuals were not considered. Gunmen rule, captained by West Virginia educated officials, obtained. The methods pursued were more arbitrary, and personal liberty was less considered or regarded than in any of the camps of the district. The officials brooked no interference of any kind. It was a despotic rule kept

and maintained by men possessing little regard for truth and less respeet for human rights than you would even find in Russia, during the past decade.

To show the attitude of these officials, but one instance will be recorded. The official who conducted the raid upon the tent eolony was summoned on the trial jury panel in November 1922. The trial of Peter Kukis, one of the defendants charged with the killing of A. P. Webb, was ealled. This individual endeavored to qualify as juror. On the day of the killing of Mr. Webb he collected men, armed them, helped organize a posse and went to the scene of the killing to participate, if necessary, in any trouble there taking place. He met railroad officials and gunmen. He talked with them about the killing of Webb and about all of the circumstances surrounding the case, yet he swore he knew none of the facts in relation to the transaction. While he had participated in part in the matter under investigation and was ready to act against the miners, he had not formed or expressed any opinion coneerning the merits of the case. He qualified as an impartial juror and the defendant was foreed to use a preemptory challenge by reason of his deliberate perjury. He is but one of the class of individuals who have tried to manufacture public opinion and sentiment against the United Mine Workers of Utah.

CASTLE GATE

The Utah Fuel Company's property at Castle Gate was operated along the same general lines followed in other camps. Everything was under the complete domination of the company guards. The main state highway leading from Colorado through eastern Utah passes through Castle Gate on the way to Salt Lake City. Here even this road was patrolled and men known to be identified with the United Mine Workers organization were denied the privilege of passing on this state highway through Castle Gate.

During the month of May, James Morgan, secretary and treasurer of District 22, from Cheyenne, Wyoming, had occasion to visit the camp of Rolapp. He left Helper in an automobile driven by William M. Bennett, a union man, accompanied by his wife and children. They were stopped on entering the town of Castle Gate by the company guard, Henry East. They stated that they were American citizens on private business enroute to Rolapp. They were advised politely but firmly that they could not pass. They were eompelled, by the threats and intimidation of this guard and his associates, to turn back.

FACTS SHOWING THAT THE KILLING OF JOHN TENIS WAS CONDONED BY THE COAL OPERATORS

Lorenzo Young of Huntington, Utah, had been employed by Carbon county as a deputy sheriff. He was stationed in Spring Canyon. Immediately upon assuming his duties he showed great prejudice against the strikers, (particularly the Greeks), and marked sympathy for the operators. He always went armed. He did not confine his field of operations to the eamps to which he was assigned. On May 14th, he appeared in the city of Helper fully armed. He seemed to be hunting trouble. He finally became so abusive and obnoxious in his eonduct that

he was reported to Jess Halvorsen, the city marshal. The latter took Young to the city hall, told him that his conduct was offensive, that he was making trouble, and advised him to leave the city. This Young consented to do. He was accompanied by officers to the edge of town. He then proceeded along the public road towards Spring Canyon. After passing through what is called New Helper, he approached the Ambrosia ranch, where he saw John Tenis, an unarmed Greek union miner, just leaving the Ambrosia home, walking along a small lane in the direction of the public highway. Without a moment's warning or a word having been spoken, Young drew his gun and fired at Tenis. The latter turned to run back to the house when a second shot fired by Young hit Tenis in the back, killing him instantly. Young ran up the road, and a little later appeared at one of the mines, stating that he had been shot in the leg by Tenis. He exhibited a wound.

This shooting was observed by at least three railroad men and two or three women, all of whom were disinterested. They were but a short distance away. When they reached Tenis, he was dead. They found that the bullet had entered his back, passed directly through the body. It was found by them in the front of his shirt near the exit wound.

Young was held for several days in a hospital. A former member of the Supreme Court of Utah was employed to defend Young, who publicly stated that the coal operators association had provided him with counsel. Young was held for second degree murder and admitted to bail in the sum of $5,000.00. At the preliminary hearing it was conclusively established that Tenis was unarmed, that he was shot in the back, that not a word was spoken between the parties, and that Young fired from a distance of nearly forty yards. When Young first reported his alleged wounding he was wearing an overcoat which, upon examination, showed powder burns and marks. Notwithstanding he was supposed to be in the custody of the sheriff, (the latter having access to his clothing), when the preliminary hearing was had, the overcoat could not be found and was never produced. During this hearing Young's counsel was aided and prompted by the sheriff of Carbon county.

Three terms of the district court passed, but this case was not called for trial. Then, unexpectedly, the defendant died, and his case was so transferred to a higher tribunal.

That Young shot himself in the leg to excuse the malicious killing of this innocent, inoffensive man, there is no doubt. The eye witnesses all testified that the only shots fired at the time of the killing were fired by Young.

No demand was made by the operators for the National Guard when this outrage was perpetrated.

STANDARDVILLE MOBBINGS

At Standardville several Greeks were engaged in business. Some were running bakery shops, others pool halls and coffee houses. Some of these people had property leased from the coal company, others owned their own ground. At about 10 o'clock on the night of June 14th (the day A. P. Webb lost his life) a mob of from thirty to forty people, headed by company

gunmen and employees, all, with the exception of one or two, being heavily masked, armed with revolvers and rifles, raided their homes and places of business. They rounded up from twenty to thirty Greeks. Some of them were beaten with rifles and revolvers. They repeatedly threatened to shoot. Some were lined up against walls expecting momentarily to be killed. One or two of the unmasked men, apparently not members of the mob, pleaded to save their lives. Their counsel prevailed. Those who were not fortunate enough to escape were driven down Spring Canyon to Helper, being brutally beaten and bruised with guns as they went, and their lives threatened if they ever returned. Shots were fired in some of these business houses, and considerable property was destroyed. Many of the men were in bed and asleep when the mob came.

On that day a homicide case (not connected with the strike) was on trial in the district court at Price. Steve Makris, Mike Makris, cousins, and Harry Koulizas, a brother of the defendant, were in Price as witnesses. They did not live at Standardville, but were sent by counsel for the defendant to Standardville that day in search of witnesses needed at the trial. They were there when the mob appeared. Mike Makris' life was repeatedly threatened, but he finally escaped through an open window with nothing but his undershirt and trousers, and, to save his life, made his way in his bare feet over the mountains practically forty miles to Colton, Utah. The others were so badly beaten, bruised and frightened that they were not found until after the trial was ended.

Many members of this mob were known. But neither the Standard Coal Company officials, the sheriff or the prosecuting officers ever made an investigation. No arrests were made and no prosecutions had. The people upon whom this outrage was perpetrated, were not coal operators and did not have the ear of the public officials of Carbon county.

This, and scores of other unlawful acts, were perpetrated by the coal operators and their gunmen. But no arrests or investigations were ever made, except in the Young case, and then he had all the protection it was possible for the operators and the sheriff's office to give him. *Yet it is charged that these strikers were warlike in character and were waging a campaign of violence and intimidation.*

ARE THE ALLEGED ACTS OF VIOLENCE CHARGED AGAINST THE UNITED MINE WORKERS WARANTED? LET US EXAMINE THESE PARTICULAR CHARGES

Four transactions are mentioned in the operators' brief (P. P. 16-7) as occurring at Scofield and Winter Quarters in April. We will discuss them in their order.

On the 26th of April, it is charged that the Denver & Rio Grande train was held up by Greek strikers; that two deputy game wardens were taken from the train and severely beaten. That the same day an aged Mormon bishop was abused and beaten because he was a former employe of the company. The facts are, that on the day mentioned, two men left the train at Scofield. The train was not held up and the men were not removed therefrom. The strikers did not congregate at the depot. There was not even a picket maintained. It happened that four or five

men were at the station when those men left the train. One of the strangers was asked his name, and an insulting reply was given. The insult was resented by the party making the inquiry and the two men got into a personal altercation; a blow or two was struck and the matter ended. The trouble was entirely personal, it had no relation whatever to the strike. The second stranger was not even involved in the matter.

The charge that the aged bishop was abused and beaten is unture. The person in question was Bishop George Ruff, a respected citizen, and while for years an employe of the company, he possesses the confidence and respect of all classes. A discussion was taking place on the public streets over the strike situation. The bishop was present and one of his friends in a jocular way stated to another friend, "You had better get out of the way and let me take a shot at the bishop." A number of individuals heard the remark. It was intended as a joke, and by all present treated as but it seemed to offend the good bishop, and this little incident was considered one of the acts of intimidation on the part of the strikers. By reason of the good bishop's years of unselfish charitable work among all classes and creeds, there was not an individual in that entire community who would not at all times protect and defend him. No person ever laid an unfriendly hand on him, or offered, intentionally, a word of insult.

APRIL 27TH AFFAIR

On April 27th, Samuel Dorrity, a guard for the Pleasant Valley Coal Company, at Winter Quarters, came to Scofield accompanied by other armed guards, some on horseback and others in a covered conveyance, to meet strike breakers.

A large number of men, women and children seeing the armed guards there to meet the incoming train, gathered along the street and on the depot platform. Dorrity rode a fractitious horse into the crowd on the platform, forcing the people to scatter in every direction to avoid being ridden down.

No strike breakers arrived. The guards in the covered conveyance immediately left the scene. A few moments later Dorrity and the other mounted guards also left. Leaving the station, Dorrity rode his horse into the crowd of men, women and children who were standing on the road side. Again they were forced to run to avoid being ridden down. They laughed at Dorrity and jeered him. This was too much for this sensitive guard. About this time Dorrity observed George Manousos standing with three other men nearby. Manousos for years had been an employe of the Pleasant Valley Coal Company, but shortly before the war he went to Pennsylvania. While there war was declared. He immediately volunteered, was accepted, entered the United States army and rendered faithful service in France, receiving after peace was declared, an honorable discharge. He returned to Winter Quarters and again entered the service of the company. He came out with others on the strike. Dorrity knew him and had a few days before forced Manousos out of the Winter Quarters camp. Upon observing him quietly talking with a few friends, he deliberately rode his horse rapidly upon Manousos, at the same time drawing his revolver. Manousos had not said a word, nor done a solitary act concerning Dorrity or any other person. To protect himself from being trampled to death, Manousos grabbed the horse's

bridle bits. At that, Dorrity fired at him and only the horse's head and quick dodging saved his life. Dorrity continued shooting at Manousos while the latter was dodging back and forth, using the horse's head as protection. During this time Manousos drew a revolver and fired, hitting Dorrity in the leg. As soon as Dorrity began shooting, the other guards opened fire upon the crowd. Fred Jarvey, a young man born and reared in Carbon county, was shot in the neck by Dorrity. He was some distance away and in no respect concerned in the difficulty. A Greek miner, unarmed, received a severe wound in his arm. When the guards opened fire, a few miners returned the shots. No arrests were made until nearly two months later, after the national guard was in the field. Dorrity would not prefer the charge. He knew Manousos was innocent of wrong doing. The latter was charged with assault withe intent to commit murder. At the trial Dorrity, while trying to excuse his act, stated that he would be perfectly satisfied if Manousos was acquitted.

Two or three guards, who were riding away from the scene of the shooting in a covered buggy, claim to have seen Manousos fire the first shot. Against this testimony, eighteen men and women, composed of Americans, Greeks and Italians, all of whom were immediately present and saw the entire transaction, testified that Dorrity was the aggressor, and that he fired the first shot while trying to ride Manousos down. The case was tried before a jury of company and guard sympathizers and Manousos was convicted. The verdict was absolutely contrary to both the law and the evidence. The case is now pending on appeal and we unhesitatingly state it will be reversed. The facts concerning this transaction were fully investigated by Mr. Knerr of the State Industrial Commission and other officers. They unhesitatingly state that this trouble was the direct result of the wrongful acts of the company guards. The trouble was nearly two miles from the company's property, in the incorporated town of Scofield, and where these armed guards had no business to be. It is just another instance conclusively showing the evil of allowing corporations to arm men and become a law unto themselves.

As soon as this trouble occurred the operators demanded that the national guard be sent into the district. Sheriff Kelter was summoned from Price. He was soon furnished a special train but before leaving he was visited by two of the United Mine Worker officials who told the sheriff that they would be pleased to accompany him, that if the miners were causing any disturbance that they would agree to restore order themselves. The sheriff stated that he would notify them when he was ready to leave and that they could accompany him. Within thirty minutes after this promise and without notice to the union officials, the sheriff departed. He arrived at Scofield two or three hours later, but instead of stopping where the trouble occurred to make an investigation and to learn from the citizens of that town, non-union as well as union, the truth, he proceeded directly to Winter Quarters to the company office and the headquarters of their gunmen. There, without even pretending to secure any facts from independent, unbiased sources, he accepted the version of the affair given by the gunmen and the operators and promptly wired the governor for the national guard, stating that the situation was beyond his control. The governor was not so easily misled. He began his own investigations. Sheriff Kelter did not even appear

at Scofield until two days later. He was comfortably quartered at the company's office and boarding house, two miles away. The town officials at Scofield, the justice of the peace, the merchants and business men all agree, there would have been no trouble but for the wrongful acts of the guards. Numerous affidavits from disinterested citizens were procured by members of the Industrial Commission, and others, showing these facts, and the same were transmitted to the governor of the state. This is the Manousos affair, for which the miners' union is blamed.

APRIL 29TH TRANSACTIONS

The operators next claim that on April 29th, over 100 striking Greeks held up a train at Scofield in the presence of the sheriff and two of his deputies. There is no doubt but what some of the strikers resented the unlawful assault of Dorrity and his gunmen. Many wondered if the officers were going to allow such outrages to be carried on and the proper parties not called to account. On the 29th many of the strikers were at the depot to meet the incoming passenger train. One of the first persons to depart from the train was Mr. Knerr of the Industrial Commission. He saw Phillip Juranovich and Charlie Derose, both union mine officers. These men greeted the state officer and were quietly discussing matters when the train started. It was then that a mine guard who was in the train came out on the platform of the car. At that time while some men were getting on the train a shot was fired. Many of the men present insist that it was fired by a mine guard on the train. Others say that Deputy Sheriff Pike fired at one of the men on the train. There was confusion and excitement. The miners believed that they were being attacked as they had been by Dorrity and his men two days before. Several shots were fired. About this time shooting was heard from the direction of Winter Quarters, and the cry went up that the guards from Winter Quarters were coming to attack them. Some of the miners then called to their associates to protect themselves and their families. A few ran for guns. In the meantime, the shooting from the direction of Winter Quarters continued. The strikers, upon getting their arms, ran onto the hillside above Scofield and fired in the direction of Winter Quarters whence the bullets were coming. During this entire time Juranovich, unarmed, was standing at the station with Mr. Knerr. He in no manner participated in the trouble. Months later he was charged with a misdemeanor in connection with this matter, but his case was not called for trial and was continued without date, as Juranovich was called east to participate in the attempted settlement of the nation-wide strike. This is the man charged by the operators with being a fugitive from justice. Derose and two others, when the shooting started, called to the men to arm and protect themselves. Some considerable time later these three men were each charged with a misdemeanor in connection with their participation in the alleged disturbance. Their action took place in the presence of the sheriff and they, not having complied with his demand to resist, were advised to plead guilty, and each was given a small sentence. But this same man Manousos who was charged with assaulting Dorrity was present and aided the sheriff and his deputies in every way to stop the trouble and to preserve order. Mr. Knerr stated that he found the men excited over the Dorrity affair, but when assured by him that they would be protected from further assaults, they all

promptly agreed to be governed by his recommendations, that they would take no action on any matter without his advice, and would in all respects fully observe the law. From that date on, through the months of May, June, July and August, not one solitary act of violence occurred and not one striker was arrested for any act occurring in that neighborhood.

These constitute all of the acts of violence charged against the United Mine Workers in this district, embracing Clear Creek, Winter Quarters and Scofield, during the entire strike.

OPERATORS BORROW SPRINGFIELD RIFLES FROM SHERIFF KELTER TO ARM GUNMEN. WHILE BRINGING IN STRIKE BREAKERS GUNMEN OPENED FIRE ON UNION MINERS. IN THIS ATTACK A. P. WEBB WAS KILLED

The death of A. P. Webb is charged to United Mine Workers and is cited as the culminating act of violence on their part. What are the facts in relation to this killing? Why did the operators not present the evidence that this honorable commission and the people might know the truth? Why indulge in unfounded conclusions? Why conceal the facts? The United Mine Workers want the truth concerning this outrageous act known, that the responsibility may rest where it properly belongs.

The mine of the Standard Coal Company is located at Standardville in Spring Canyon. Nearly 85% of the miners working for this company struck. The officials were desperate to secure strike breakers. H. E. Lewis, the general manager, went to Denver in the early part of June for that purpose. On June 13th he wired the company officials at Salt Lake that he would arrive at Castle Gate, Utah, on the morning of June 14th with about thirty men and for them to arrange their transportation over the Utah Railway from Castle Gate to Standardville. This information was telephoned by the company's president, F. A. Sweet, to F. C. Henness, the mine superintendent, the same day. Henness immediately went to see Sheriff T. F. Kelter at Price, and advised him the strike breakers were coming. He did not represent that the men were in danger, nor did he ask the sheriff to furnish them protection. He *borrowed six Springfield rifles and a large amount of ammunition from the accommodating sheriff!* He arranged with R. J. Vaughn, the superintendent of the railroad, for a special train to meet the incoming train at Castle Gate, and notified ten of the company gunmen to meet at the company office at six a. m. June 14th. They all came. Henness told them that men were coming and asked for volunteers to accompany him to Castle Gate to meet them. They all volunteered. Thereupon, Henness gave to every one a borrowed Springfield rifle or a company Winchester rifle, together with from forty to sixty rounds of ammunition for each man. In addition to this, the men all carried revolvers with a plentiful supply of cartridges. Henness took A. P. Webb, W. F. Abbott and J. R. Boren with him by auto to Castle Gate. He directed the other men to follow in two automobiles and await the coming of the train near the west portal of Tunnel No. 1, and accompany the train up the canyon. Henness, Webb, Abbott and Boren proceeded without being molested to Castle Gate. There they met Vaughn, the railroad superintendent, and Henry Fiack, the railroad company deputy sheriff. On the arrival of the train a steel coach was picked up by the Utah train crew and pulled to a side track. There the train crew, learning that the coach contained what they called unfair la-

bor, advised Vaughn that they were employed to haul coal and declined to proceed further. The entire train crew quit. Vaughn, though knowing nothing about a railroad engine, took the engineer's position, and without a fireman, brakeman or conductor, started for Standardville. The train proceeded about three miles to a station called Martin. Leaving Martin, Webb took the fireman's position on the engine, still being armed with a rifle and revolver. Henness occupied a position in the gangway between the engine and tender, he also being armed. Abbott maintained a position on the lefthand side of the front platform of the coach; Boren taking a similar position on the righthand side. Henry Fiack, the railroad deputy, before leaving Castle Gate, visited the office of the Utah Fuel Company and borrowed a rifle and a supply of ammunition. He stationed himself in the vestibule in the rear of the car. The train proceeded about two thousand feet, where it entered Tunnel No. 1. Leaving the tunnel, it crossed a railroad fill that parallels the public highway leading up Spring Canyon. The fill was approximately forty-five feet above the roadway, thereby affording an unobstructed view of it. Shortly after the train emerged from the tunnel shooting began and continued while the train traveled about one thousand feet. A number of strikers were observed walking rapidly along the public highway; they were in plain view. There were no objects of any kind or description behind which the men could conceal themselves. On the lefthand side of the roadway was an open alfalfa field; on the right was the railroad grade. During the shooting which ensued, A. P. Webb was killed, and a Greek striker, named Andreas Zulakis, received a serious wound in his left forearm. The train continued on toward Hiawatha for a distance of about two miles, or to what is called Tunnel No. 2, where the engine died. There it was found that Webb had been shot in the right breast and was dead. As soon as the outcome of this became known, the operators made an insistent demand upon the governor for the national guard. The governor yielded to the demand, and that night sent state troops to Helper and Scofield, reaching their destination in the early morning of the 15th. Shortly after the arrival of the troops at Helper, all of the strikers and a large number of people not members of the union were taken into custody, and an effort was made to identify all persons who were at the scene of the shooting. All told, twenty-two men were arrested, three of them not being taken into custody until July 3rd, when they were arrested at Scofield, forty miles away. Of the number arrested, five were discharged without complaints having been filed against them; one was discharged without a hearing, after the complaint was filed; sixteen were held for a preliminary hearing, at which time they were all bound over to the district court on the charge of first degree murder. These defendants knew of the control and influence exercised by the operators in Carbon County, and fully appreciated the propaganda being carried on against the strikers and particularly against Greeks. They determined to file a motion for a change of venue. This motion was supported by nearly seven hundred affidavits from people of all classes, obtained from every section of the county, except the coal camps, where representatives of the defendants were not permitted. The state resisted the motion and filed more than five hundred counter affidavits, nearly all of which were obtained in the coal camps, signed by the employes of the coal companies. Upon its presentation in court the motion was denied.

As soon as this trouble occurred the coal operators association became very active. It employed local private counsel and brought attorney Isaac Blair Evans, formerly United States attorney for Utah, to Carbon county to guide and control the prosecutions. It detailed Otto Harris, one of the officials of the United States Fuel Company, as the representative of the operators association. These gentlemen practically assumed control of the prosecution of these cases. They participated actively in the preliminary hearing; selected, conferred with and kept herded the witnesses for the state for months.

In the district court, however, these attorneys were not entered as counsel of record, yet in the five separate trials had to date, Mr. Evans and Mr. Harris haunted the court room every session and conferred with the district attorney upon every question which arose. The local counsel employed at Carbon county was in constant attendance upon three of these trials, assisting the prosecution in every possible way. The cases, instead of being prosecuted as state cases, assumed from the outset a contest between the operators and the strikers, but the operators had back of them the power and process of the state. The defendants, knowing the influences to work against them and being conscious of the fact that the prosecuting officers had never conducted an impartial investigation of the trouble, but had assumed from the outset the guilt of the defendants, there was nothing for them to do but to demand separate trials. This, under the Utah statutes, they were entitled to. In the first trial Peter Kukis was convicted of second degree murder and sentenced to a life imprisonment. In the second trial Mike Zulakis was convicted of second degree murder, with a recommendation that the minimum sentence of ten years be imposed. This recommendation was followed by the court. In this trial practically the entire jury panel of Carbon county was exhausted and it became apparent that no further jurors could be obtained in that county. The state then reluctantly granted a change of venure, insisting, however, that one of the cases be tried in Emery county and the balance could then be transferred to Salt Lake county. Mike Pagalakis was tried in Emery county, Utah, and found guilty of voluntary manslaughter and was sentenced to an indeterminate sentence of from one to ten years. The next trial was held at Salt Lake City, and Tony Kambourakis and John Kriaris were tried together. They were found guilty of involuntary manslaughter and recommended to a minimum sentence of one year. In the fifth trial Steve Lakakis, George Spetris and John Dantes were tried. In this case, for the first time, was the jury properly instructed and the law applicable to the cases, properly announced. These defendants were promptly acquitted. Thereupon, it was stipulated that the remaining cases be continued pending decision of the Kukis and Zulakis cases on appeal. The other two cases are still pending on motion for a new trial. These motions the court of necessity must grant if it adheres to the law as announced in the last case tried.

Having recited briefly the circumstances surrounding this transaction, let us now detail the testimony presented in these various trials.

There is no dispute concerning the facts heretofore stated. Upon each of these trials Mr. Henness testified that he was not a deputy sheriff, yet had full charge of the company forces on this occasion. As the superintendent of the Standard Coal Company, he procured the arms and

ammunition and distributed the same to the company gunmen. He gave the instructions relative to their actions, and testified that he *did not propose that the "train carrying these men should be picketed, peaceably or otherwise."* In other words, he did not propose that any individual should have the opportunity of talking to any of the strike breakers being imported from Colorado to Utah. Abbott and Boren each testified repeatedly that Henness gave them their instructions and *"left it to their discretion as to when they should begin to shoot,"* and under cross-examination they were forced to admit that they exercised this discretion without knowing who fired the first shot, whether it was fired from the train or from the road, and that *they shot to kill.* They all testified that they expected trouble and went prepared for trouble. It was undisputed that a daily train passed over this line, stopped regularly at Jacobs switch, and then continued up Spring Canyon to Standardville; that the train had never been picketed or stopped, or had trouble of any kind occurred at Jacobs switch or any place along the line between the 14th day of May and the 14th day of June. Nevertheless, five men armed with high power repeating rifles and revolvers, and another one armed with a revolver, were on the train in question. It was admitted that six men equally armed had been stationed along Spring Canyon to guard the incoming train. Lewis, the general manager, advised no one of the coming of the strike breakers or of the arrival time, except officers of his company. Henness testified that he received this information from the president of the company and did not communicate it to any person aside from the sheriff, the railroad superintendent and Mitton, the company's engineer, who also occupied the position of justice of the peace at Standardville. The messages in relation to the coming of these strike breakers were in code so there was no opportunity in advance of the arrival of Rio Grande train No. 1 at Castle Gate at about 8 o'clock on the morning of June 14, for any person aside from the company officials to know of their coming. The shooting occurred between 8:30 and 8:45 o'clock on the same morning. Any information concerning the arrival of these men at Castle Gate could only have been communicated after their arrival, so there was no opportunity for any person to have been prepared for their coming, and no conspiracy or agreement to attack this train or to resort to any unlawful act in relation thereto, could have been planned in advance. No evidence was ever offered that in any manner even tended to show that the strikers had any advanced information concerning the coming of the strike breakers.

In this connection it must be remembered that the companies had been endeavoring for nearly ten weeks to have the governor send the state troops to Carbon county. It was currently reported that several of the operators had stated that there would have to be a killing before the governor would act. Subsequent circumstances clearly indicate that it was the determined purpose of the operators to resort to any means to accomplish their object.

The Utah Railroad Company kept a guard on duty at the entrance of Tunnel No. 1. On the morning of the 14th Frank Foster was on duty at this place. He saw the train go by and observed the railroad company's chief deputy, Henry Fiack, standing in the vestibule at the rear of the train, with the rifle (borrowed from the Utah Fuel Company) in his hand. Foster testified

that the moment he saw Fiack with the rifle *"he knew what was up,"* went into his cabin, procured his rifle and started over the tunnel hill toward the scene of the shooting.

Vaughn, the railraod superintendent, testified that as the train emerged from the tunnel Webb stated *"here they are;" that Webb immediately raised his rifle in the attitude of shooting and pointed it out of the window in the direction of the miners who were on the open roadway below;* that he saw Webb working the lever of his rifle as though shooting rapidly, but that owing to the sound of the engine he could not hear the shots fired; that a short time later he saw Webb settle down on the floor of the cab. Vaughn from his position did not see any person on the roadway; he recognized no individual, saw no shots fired, and did not know who commenced the shooting. He, upon observing Webb's action, hastily dropped down to the side of the boiler, and did not know that Henness, standing within three feet of him, was engaged in shooting; and with the throttle wide open and the engine running wild, the train proceeded to Tunnel No. 2 where it died. Vaughn gave no evidence whatever in connection with the real facts to be determined.

Henness testified that he did not see any men on the roadway, or where it is claimed the strikers were situated, except three, and that was after the shooting was over. These men he did not recognize. Who began the shooting he did not know, but he saw Webb raise his gun and begin firing out of the window immediately after the train emerged from the tunnel. Henness was on the side of the train away from the public road along which men were walking. He testified that just before the shooting ended he saw two men standing on the hillside next to the side of the train upon which he was standing. He did not know these men, yet he admitted that the instant he saw them *he began shooting at them and fired three shots.* These men were not strikers and could not have been in that position under any circumstances. They were undoubtedly part of his own armed force.

Boren, from the right hand front platform, could not see the roadway or the men walking along it. He finally heard shots and arose from his seat on the front steps, stood on the front platform of the car, and then observed his companion Abbott rapidly shooting. Boren, without knowing who fired the first shot—without knowing whether it came from the engine, the coach or the roadway—and without asking a question, immediately began shooting at these unprotected men along the roadway, and admitted *that he fired eight shots, and shot to kill.*

Abbott testified that he did not know who fired the first shot—that the sound came from the left hand side of the train, which would be the side next the road. Whether it came from the engine or was fired out of the passenger coach or from the roadway, he did not know, but without making any inquiry he began shooting at these unprotected men. *He fired seven shots.*

Fiack, situated in the rear vestibule of the passenger coach, did not see who commenced the shooting, but as soon as he was far enough out of the tunnel to observe the men on the roadway he commenced shooting and continued firing *as long as he could see a person to shoot at. He fired eight shots.*

All of the shots fired by the witnesses named were from rifles. While the shooting was in progress H. E. Lewis, the general manager of the coal company, appeared on the front platform *with a revolver, and fired eight shots at the same men.* He did not see who began the shooting, but commenced emptying his revolver at them without a moment's hesitation. In other words, the armed forces on this train were all imbued with the same idea testified by Mr. Henness, that is, that they did not propose to have the *"train picketed, peaceably or otherwise,"* and the moment they saw men going up the Spring Canyon road they promptly got into action. Two railroad guards, Sheridan Fiack and A. J. Westwood were asleep in a boxcar on a siding when the shooting commenced. They were awakened by the disturbance. Fiack immediately grabbed his revolver, rushed to the window of the car next the roadway, *and fired three shots at the first man he saw,* without knowing the cause of the trouble. These facts are undisputed. They were testified to by these witnesses on no less than six occasions.

PETER KUKIS TRIAL

The only evidence presented by the state that Kukis was present at the time of the shooting was from gunman Abbott who testified that he saw a man "ducking under a wire fence" over 200 feet away from him; that his *entire observation was within a period of not to exceed two seconds,* and while the train was running at least twenty-five miles an hour. He was looking down the barrel of his gun, shooting as fast as he could at men on the roadway. He did not recognize the features of the defendant but judged that it was he from the clothing the party wore. Three other witnesses said that they saw the defendant near the scene of the shooting fifteen or twenty minutes after it was over. They did not know the defendant, had never seen him, never heard him speak, and based their opinion upon his general appearance.

The undisputed testimony was that Kukis did not know any of the other defendants; that he never saw them until after his arrest; that from the first day of June he was living with a friend, a groceryman, and six other men at the extreme eastern part of Helper, over three miles from the shooting. There were nearby neighbors who all knew the defendant. At least twelve witnesses testified that between the hours of 8 and 8:45 o'clock on the morning of the shooting that the defendant was at his place of residence. The defendant had helped prepare the breakfast, and assisted in the housework. At 8:45 o'clock, accompanied by one of his friends, he walked west into the town of Helper, entered a coffee house opposite the doctor's office, and within five minutes thereafter Zulakis, the wounded man, was brought to the doctor's office in an automobile from the scene of the shooting. The defendant, accompanied by five men, walked to the doctor's office and there saw the wounded man.

If the three witnesses who claim to have seen the defendant near the scene of the shooting ever saw him at any time, it was at the doctor's office. It was a physical impossibility for the defendant to have been present at the shooting. His witnesses were not contradicted. There was no evidence that the defendant had ever entered into any conspiracy or agreement with any individual in relation to this transaction. There was nothing to show that he ever heard, or had any means of knowing, that the train in question would arrive on that day. The verdict was

based entirely upon prejudice and was the result of the deliberate campagin carried on by the operators and the local Carbon county press against the United Mine Workers, and especially the Greek members of that organization: The verdict is contrary to the evidence, and the record is full of prejudicial error and will not stand. This case will be reversed.

MIKE ZULAKIS CASE

Mike Zulakis is a brother of Andreas Zulakis, the man who was shot by the company gunmen. At his trial, one witness claimed to have seen the defendant shortly after at the scene of the shooting and to have had a brief conversation with him in English. The defendant was a Greek and had only been in the United States a few months. He was unable to speak a word of English and could not, under any circumstances, carry on the conversation attributed to him. Four witnesses, all either foremen or fire bosses at the Castle Gate Mine, operated by the Utah Fuel Company, and under whom the defendant worked before the strike, testified that the defendant could not speak English.

The defendant had been ill for some days before the shooting and was living with a friend in a building adjoining the American Candy store, situated about one hundred yards from the doctor's office in Helper. After the shooting, when his brother was brought to the doctor's office for medical attention, the defendant, learning that his brother was wounded, got up from a sick bed and visited his brother at the doctor's office. Over twenty witnesses testified with reference to his physicial inability on the day in question, and that he was not at the shooting.

This verdict was a joke. It only further emphasized the power and influence of the coal corporations in Carbon county. The witnesses who pretended to identify the defendant could not tell how he was dressed, whether he wore a coat, vest or trousers, whether he had on a jumper, overalls or was in his shirt sleeves. They did not know whether he wore a hat or a cap or was bareheaded. They had never seen the man before; had never heard him speak, and had no means of previous observation. The defendant was a total stranger to every other defendant jointly informed against.

MIKE PAGIALAKAS CASE

This case was a farce. Pagialakas had lived at Sunnyside, forty miles from Spring Canyon, for six years, during all of which time he had been an employee of the Utah Fuel Company. He never had worked in Spring Canyon and had never spent more than a half hour there in his life.

On May 1 about seven hundred men quit work at Sunnyside. A tent colony was then established at the edge of the town. Here Pagialakas lived in a tent with three friends. In the adjoining tent on one side resided a man and his wife. The tent on the other side was occupied by four young men of Austrian parentage—nearly all of them were born in this country, and two of them have been residents of Sunnyside for eighteen years. Numerous other men, both Americans and Italians, lived close by. Pagialakas distributed the bread to the strikers. On June 8th he was arrested for unlawfully having in his possession fire arms. He was taken to Price where he gave bonds for $250.00 and returned to Sunnyside on June 9th. This was the only time the

man was ever away from Sunnyside for six years. His case was set for hearing June 19th. On June 18th he came to Price, pleaded guilty to the charge, and was sentenced to sixty days in jail. While there, and some days later, the companies identifying witnesses claimed to have identified him as one of the parties at the scene of the shooting.

His trial was heard in Emery county. The only evidence presented against him was that given by *the same* three witnesses who appeared in all the cases. They testified that about twenty minutes after the shooting they were riding in an auto truck taking the wounded man Zukalis to Helper; that while traveling down the Spring Canyon road at the rate of forty miles an hour, and at a point about 1200 feet from the scene of the shooting, they passed a man standing at the side of the road. He had on a light shirt, bib overalls, was bareheaded, and had a rifle in his hands. This man they had never seen before. They knew nothing about him. No word was spoken or gesture made. They passed him going at the rate of 88 feet per second. There was not a scintilla of evidence that the defendant was ever at New Helper where the strikers resided, or that he knew any of the other defendants until he became acquainted with them in jail. There was no evidence that he was a party to any conspiracy to commit the act charged, or that he in any manner participated in the shooting, or that he aided, abetted, counseled or advised the act.

More than thirty witnesses testified that the defendant was at Sunnyside, forty miles away, at the time of the trouble. These witnesses were composed of Americans, Greeks, Austrians and Italians, nearly all of whom were English speaking. The jury returned a verdict of voluntary manslaughter and the defendant was sentenced to ten years in the penitentiary. This case is now pending on a motion for a new trial. The verdict is contrary to law. Manslaughter, under the Utah statute, is the "unlawful killing of a human being upon a sudden quarrel or heat of passion." There cannot be an aider or an abettor in manslaughter. The defendant must be shown to be present, to be participating in the offense, at the time of its commission. The court in this case refused to instruct properly upon the law on this branch of the case, but it is safe to say that, in view of the changed attitude of the court in subsequent trials, a new trial will be granted. Emery county adjoins the coal fields. One of the camps of the United States Fuel Company is in Emery county, and many of the strike breakers reside there. Here the influence of the coal operators is as great as in Carbon county.

TONY KAMOURAKIS AND JOHN KRIARIS

These defendants were tried at Salt Lake City. The three same identifying witnesses who had been so carefully guarded by Otto Harris, the coal operators' representative, and by their private counsel, pretended to identify these two men. One of the witnesses stated he saw both of the defendants about fifteen minutes after the shooting, near the scene. Where they came from, how they came, or how long they had been there, he did not know. The other two witnesses claimed to have seen them three-fourths of a mile away as they passed through New Helper. Not one of these witnesses could tell how either of the defendants were dressed. They could give no marks or means of identification. Not a word was spoken or a gesture made, and

they were seen but for an instant. The "remarkable power of observation" of one of these witnesses is shown by the fact that he pretended to identify fourteen of the defendants. His observation was all made in from thirty to sixty seconds, during which time the wounded man Zulakis was being placed into an auto truck and while it was being turned around in the roadway. But he could not describe a solitary article of clothing worn by any one of the fourteen men. They were all foreigners. Not a word was spoken by any of them, and his identification was "by their general appearance." This was the nature and kind of evidence presented by the operators against these men.

These two defendants were living at Kenilworth, eight or ten miles from Spring Canyon. They had been there since the first day of June. Over seventeen witnesses, all living in the same large building, eating at the same table, testified that these men were at Kenilworth that morning. They described the things that took place that day; how the defendants were present when the news of the shooting came. A daily record was kept by a union committeeman in charge, showing every man living at this camp, his hours of picket duty; describing every person coming into the camp or leaving, together with the time he was away. This record showed these two defendants in camp. There was no attempt to contradict or impeach these witnesses.

On June 15th, the day following the shooting, when it was learned that the national guard had arrived in Helper, these defendants went to Helper for a visit. The men taking them to Helper were witnesses at the trial. Immediately after they arrived in Helper they were rounded up by the guardsmen and held as participants in the killing. They never returned to their camp. It was known by all of the members of the camp that night, that these men were arrested, and they knew how wrongful the arrest was.

The jury in this case, like in the two preceding cases, was gradually becoming more faint hearted, so they only found these defendants guilty of voluntary manslaughter, but with a recommendation that the minimum sentence of one year be imposed. This suggestion was followed by the court. This case is pending on motion for a new trial. Here again there was no evidence of the presence of the defendants at the shooting, no evidence of participation, or that they either aided, abetted, counseled or advised the act charged. Under the law *"mere presence at or near the scene of the killing"* is not sufficient to warrant a verdict of guilty, but the court failed to so charge the jury. The defendants were promptly admitted to bail after this verdict was rendered. They are now enjoying their liberties and have nothing to fear from further prosecution by the coal operators of Utah.

STEVE LEKAKIS, GEORGE SPETRIS AND JOHN DANTIS

The evidence on the part of the prosecution against these defendants was the same as against Kambourakis and Kriaris, but the jury promptly acquitted them. At last justice began to prevail.

The remaining defendants were then, after ten months fight for bail, released on bonds ranging from $1,000.00 to $2,500.00 each, and their cases were continued without date, pending the decision by the Supreme Court in the Kukis and Zulakis cases.

WHAT ABOUT THE OTHER ACCUSED MINE WORKERS?

Harry Kokolakis, Nick Maris, Gust Zambelis and Bill Siatris are four of the defendants not yet tried. During the trials of the other defendants evidence was offered in behalf of each of these parties for the purpose of showing the absolute uncertainty of the identifying testimony given by the corporation coached witnesses, also for the purpose of showing the determination of those controlling these prosecutions to hold known innocent men in jail. For ten months, without success, efforts were made to secure bail for these men. The evidence conclusively showing the innocence of these parties, was for months in possession of the prosecuting officers and the private counsel for the operators. Notwithstanding they knew there was no evidence against these men, their liberties were denied them until after the verdict in the Kambourakis case.

Let us briefly state the facts concerning these defendants.

It will be remembered that Webb met his death between 8:30 and 9:00 o'clock on the morning of June 14th. On that day Harry Kokolakis was attending the District Court at Price, Utah, as a witness in a homicide case then on trial. He, together with three relatives, was registered at the Panama hotel in that city, where they had been since the 8th day of June. The hotel proprietor and his wife knew the defendant and that he was stopping at the hotel with his associates. On the night of June 13th this defendant was in conference with the attorneys and other witnesses for the defendant until near midnight, and met and conferred with the attorney and others in Price between 8 and 9 o'clock on the morning of June 14th. This was twelve miles from the scene of the shooting. In the trial the hotel register was presented and many witnesses testified, showing these facts. They were undisputed.

Bill Siatris had worked in the mines near Scofield. He quit work with others in the month of April, but left Scofield on the morning of June 12 and went to Soldier Summit, Utah, where he applied for a position as a section hand in Extra Gang No. 11 on the Denver & Rio Grande Railroad. He registered at the Railroad Hotel and occupied room three on the night of June 12th, and commenced work on the morning of June 13th, continuing with Extra Gang No. 11 at Scenic—more than 40 miles from Spring Canyon—and worked every day until June 27th, when he was transferred to Extra Gang No. 12, working there until July 2nd, when he drew his time and returned to Scofield for his clothing and personal effects. He was arrested at Scofield on the evening of July 3. He was *registered on the time books of the railroad company, on their time rolls and their pay rolls. He had in his pocket, on the day of his arrest, the check for his work covering the period of June 13, 14 and 15.* The American timekeeper knew the defendant and positively identified him as being present at work on the 14th day of June, as did also the foreman who hired him, and at least seven men who occupied the same railroad

car with him. With these facts, testified to and in the possession of the prosecuting officers, this man was wrongfully deprived of his liberty for one year.

Gust Zambelis had worked for the Utah Fuel Company at Clear Creek for nearly ten years. He quit work on April 23rd, came down to Scofield, six miles away, and on April 28th, se cured a room in the home of Mr. and Mrs. Rosa Marta, and was there until the 28th day of May, when he went to Salt Lake City for a visit, returned to the Marta home on June 7th, where he remained constantly until the evening of July 3rd when he was arrested. On the morning of June 14th, at about 9 o'clock, he purchased on credit at the Utah Cafe a meal ticket. It was charged to him on the books of that Cafe. The meal ticket was issued in his name and signed by the proprietor. The ticket was partly unused at the time of his arrest, and remained, as was customary, in the possession of the Cafe proprietor until he was subpoenaed into court to produce the meal ticket and his account books. After purchasing the meal ticket and having his breakfast on the morning in question, Zambelis went to a Greek coffee house and was present when a telephone message was received from Helper giving some information concerning the shooting. Zambelis was thirty-five miles away. Twelve witnesses testified to his presence in Scofield at the time of the shooting. Mrs. Marta is a gray-haired lady nearly sixty years of age, and brought with her as an additional witness a little granddaughter who was teaching the defendant English on the day of the trouble. With all of these witnesses corroborated by the documentary evidence presented, this unfortunate defendant, at the behest of the operators, was denied his liberty for one year.

Nick Maris had formerly resided at Castle Gate, but after he quit work he went to Scofield where he had a brother residing. On the 14th day of June he was living at a Greek rooming house. The man who slept with him, the rooming house proprietor and business men and other witnesses, totalling nearly fifteen, testified to his presence in Scofield on the morning of the trouble. Maris learned of the shooting at about 11 o'clock. He immediately went to the public telephone office and telephoned to friends in Helper asking details of the shooting, and reported the information obtained to at least fifty people there assembled. These facts were all presented to the court in the five trials held. With these undisputed facts in the possession of the prosecuting officers, the operators were still able to deprive this man of his liberty for twelve months.

It was the same three identifying witnesses who testified against the defendants tried, who claimed to identify these four men as being near the scene of the shooting from fifteen to thirty minutes after the trouble ended. It was upon the testimony of these witnesses that convictions were obtained. It was upon evidence of this character that murder charges were preferred.

The facts showing the innocence of the other remaining defendants are equally as strong as those in relation to the defendants last named.

The foregoing constitutes the record in relation to the acts of violence charged against the United Mine Workers, and upon which the governor of Utah was induced to send the national guard into the coal fields.

Throughout this entire strike there never was a time nor an occasion when any impartial investigation was held by the prosecuting officers into any of the wrongs perpetrated by the operators. Everything was presumed as being against the United Mine Workers. A campaign was conducted in season and out against the strikers. It was charged that the Greeks were the principal offenders. Persistent effort was made to convince the public that if it were not for the Greek miners, there would be no trouble in the Utah coal fields. That the Greeks furnished the best class of mine labor in the district was undisputed. As long as they were the quiet, subservient slaves of the corporations, they constituted the best class of labor. But when they asserted their rights, pleaded for justice, and stood with their brothers in the cause of industrial freedom, they became a "lawless" class unworthy the protection of the law. Such was the agitation carried on against them throughout the entire strike. The name "Greek", when spoken by an operator or a gunman, was hissed. That many of the best business men in Carbon county were Greeks counted for nothing. When the facts were disclosed that out of 310,000 Greeks in the United States 60,000 served in the recent war—practically twenty per cent of their number, and the highest percentage of any nationality in the United States—this meant nothing. The Greeks had to be destroyed. *But the purpose underlying it all was not that they desired the Greeks destroyed, but that they furnish a slogan for the mine operators to destroy the United Mine Workers organization in Utah.*

CONCERNING OTHER ALLEGED ACTS OF VIOLENCE CHARGED AGAINST THE UNITED MINE WORKERS

Is it not strange that if the unlawful acts of violence mentioned in the brief filed by the operators (pp. 16 to 20) were committed, that some complaints were not filed or arrests made? Is it reasonable to believe that if the strikers held up a train at Jacobs on May 12; that they lined up Henry Fiack, chief guard for the railroad, together with the train crew; that with drawn guns and in a threatening manner they ordered the train not to move until it was searched, that the offenders would not be prosecuted? But no complaints were filed nor arrests made.

The only individual present on that occasion making this charge was Fiack, a railroad guard and strong sympathizer with the operators. His statements are positively denied by the entire train crew. They state that no violence or force was used; that no threats were made; that a few banners were carried asking the people not to take their jobs, that they were on a strike. There were no strike breakers on the train. The train contained a boxcar which was locked. Its conductor was asked if there were strike breakers in the car. He replied there were not. He was asked if he would open the car. He promptly replied and willingly opened it. These railroad men say that Fiack flagged and stopped the train before it reached the switch

and wanted the train delayed until armed gunmen could be brought up to prevent even a peaceable picketing. If any act of violence was committed, why did not Fiack, who claimed to be the "chief deputy sheriff" for the Utah Railroad Company, make some arrests, or at least prefer some complaint against the alleged offending strikers? This charge is just another instance of the operators' propaganda.

If Ralph Saracino stopped the man Tripp at Wattis on May 13 and ordered him to stop work; if an assault was made or boisterous, or threatening language used, why was he not prosecuted for his unlawful conduct?

It is stated that George Collinghan, a deputy sheriff, was stopped near Sunnyside on May 14 and on May 30. If George Xenakas flourished a revolver in a threatening manner, he violated the state statute. Mr. Collinghan was for years a capable sheriff of Carbon county. If the law in this respect was violated, is it not surprising that some complaint was not made by him to the sympathetic officials and an arrest made? Yet this was not done. The highway to Sunnyside passed through the tent colony. Automobiles and other conveyances stopped there. At this time the Utah Fuel Company was hiring strike breakers. The employment agencies always reported there was no strike or labor troubles at Sunnyside. When these individuals reached the tent colony and found that a strike was in progress, many of them refused to proceed further. This was the case of Durand, the Mexican referred to as having been held up at the strikers' camp. Durand was not in any sense mistreated or intimidated. He stated that it had been represented to him that there was no strike on, and that he was not looking for any striker's job. He was without means and appealed to the strikers for aid. It was generously furnished and he and his wife returned to Salt Lake City. Many of the others followed his course.

It is also claimed that shots were fired at men going to work at Standardville on June 9. Standardville is so situated that strikers could not conceal themselves in any position where shots could be fired at the men without their position being readily located and the parties easily apprehended. No strikers were seen in the vicinity of Standardville on June 9. No circumstances occurred that furnish a basis for the charge that they fired shots. Before the strike ended, many of the strike breakers stated that the alleged firing by strikers on that day was untrue; that the only shots fired were by company gunmen, and that it was done with the express purpose in view of bringing the national guard to Carbon county. Is it not singular that if some of these acts of violence occurred that the companies, with their highly paid gunmen, could not have discovered some wrongdoer? Yet, in no instance were any of these alleged acts charged to any individual United Mine Worker, nor was any person arrested therefor.

CONCERNING THE OPERATORS' CHARGES OF INTIMIDATION

You will always find in every organization some extremists on its membership roll. It may be possible that some overenthusiastic miner wrote an anonymous letter. If this was true, are you to condemn the organization for an act of this kind? Are the objects and purposes of

honest men to be condemned and denounced by the act of some individual so cowardly as to indulge in anonymous communications? The operators seem to think that because they presented an alleged letter written to an Italian named Sacco at Sunnyside, that this proves the charge of intimidation. Any individual could have written such a letter. Is it not barely possible that some over enthusiastic gunman or other pliant tool might not have indited a few epistles of the kind published? Yet, because of this alleged anonymous communication, the operators condemn the entire miners organization. The operators' brief, first denounces the organization because of such a claimed communication, and immediately thereafter condemns the action of William Houston and other officers of the union because they sent out an appeal over their own signatures for aid and support for the cause of labor. But in directing attention to the communication forwarded by Mr. Houston, the international organizer, Mr. Young, the vice-president of District No. 22, and Mr. Radalj, the District organizer, the operators could not even be fair. The brief (page 14) contains an excerpt from this communication, then states that this letter "so frightened the Japanese workers that many of them quit their work." Why could not the Utah operators be only reasonably fair to this honorable commission and the public in relation to this letter. They printed but two garbled extracts, and eliminated the strong appeal made to the men to unite with the United Mine Workers in their effort to maintain a living wage in the coal fields of Utah. The following is a part of this letter:

"AN APPEAL TO THE MINERS OF CARBON COUNTY, UTAH.

Friends:

"On the 1st of April, 1922, the coal operators of Carbon county, Utah, put into effect a reduction of wages which, if we are compelled to accept, will bring misery and want into the homes of the miners and their families. At the time this reduction was to take effect, about sixty per cent of the miners discontinued work in the mines of this county, showing their unwillingness to accept this reduction. *We are opposed to strikes only as a last resort,* and this is a time when a strike is necessary, that we may avoid a reduction in our wages such as proposed by the coal operators, that would take away from the miners and their families that happiness and prosperity they have a right to enjoy. * * * After our appeals have been mercilessly rejected by the coal operators what was there left except to "strike"? Some of you may feel that we should accept this reduction and continue to work. But by doing so the operators would believe that you were satisfied and there would be no chance for any wage increase. * * * When there was no organization in this country the miners were forced to work ten and twelve hours a day for less than $2.00, and load coal for from nineteen cents to twenty-one cents a ton, and work under any conditions the operators saw fit to impose upon them. If we are crushed down by the iron hand of the coal operators the day will come when we will be forced back into the times when slavery existed.

"Friends—Japanse workers—now is the time to join the union and to stay out of the mines until the operators are willing to recognize the union and to meet with its representatives for the purpose of negotiating a wage scale, hours and conditions under which we are willing to work. For God's sake, please don't enter the mines under such conditions as these! * * * It is not the capitalist that alone crushes labor, but the strike breaker as well. Strike first—the operators will then listen to us under heavy expense and by the pressure of public sentiment. Why then, do you, the sons of Samurai, not listen to us? In the name of the United Mine Workers of America * * * all men of the Miners, union and non-union, are asked to lay down their tools. * * * To this call about 700,000 miners have responded, 150,000 coming from the non-union fields. This is not a strike of the Greeks; it is not a strike of the Italians, but a strike of all the people who work in the mines, regardless of their nationality—700,000 miners and their families striking in order to maintain a living wage that will guarantee them an American standard of living. The president of the United Mine Workers of America has repeatedly requested the operators for a conference, but so far to no avail, their answer being always "no".

"You, the Japanese workers, may be told by the coal operators that you have lots of chances in the mines after the strike. But this is done to fool you and to force you and the others to work for any wage they desire to impose on you. We are in this strike to win, no matter what, and our power will be recognized, then your countrymen and others who acted as strike breakers will be treated as the enemy of humanity. Do you know that many traitors in the world's history, in spite of their success, have often met with defeat and were hissed from both sides? Gentlemen of the Land of the Sun, with all our hearts we ask that you lay down your tools, as others have done, and join us in this struggle for our future happiness! * * *

"Come boys, come and show a solid front to the operators. Do not show signs of satisfaction by entering the mines. In case our fight is lost railroad workers, carpenters, bricklayers, farm labor and all other workers will meet the same fate. Organized labor is the foundation of American prosperity. If it is beaten and downtrodden, there will be no prosperity and happiness for the workers. We are therefore fighting for our rights as workers to secure the things that we believe we are justly entitled to, and feel that we can secure these only by organized efforts on the part of all workers. You Japanese workers, do not fight against us * * * stand by our side like men; don't pull down your caps nor cover your faces like cowards. Remember, gentlemen, this is our request to you. Will you be our enemies, or will you be our friends?

Respectfully yours."

Is it possible that an appeal of this character can be construed as a threat or as intimidation? Are the miners to be denied the right of appeal to their fellow laborers? To so appeal, in the judgment of the operators, is a grievous offense, and this appeal is charged as an act of intimidation!

Again, it is stated by the operators (brief, page 14) that "practically every public highway and road in Carbon county was patrolled by armed strikers; that public stages, private automobiles and individuals were threatened with violence if they entered the camps where mining operations were being continued." These charges are untrue. Armed strikers did not patrol the highways. Only in a few places in the county did the miners even attempt to carry on peaceable picketing. At these places they carried a few banners announcing the existence of the strike and appealing to men not to take their jobs. It is true that they did endeavor in public meetings and in private conversation to appeal for justice to the people. They did protest publicly against the wrongful reduction of their wages. They did ask the righting of their wrongs. They did ask the people to unite with them in an effort to bring about a proper settlement of the strike controversy.

Again, it is charged that the marshal at Helper was in sympathy with the strikers and warned persons to keep away from Helper as long as they continued working in the coal mines. This statement is positively untrue. What the marshal did do was to warn the company gunmen to obey the law and to keep the peace within the confines of the city of Helper. He demanded that they desist from parading the streets with their arms exhibited, and that they avoid insulting and abusing the strikers. This was regarded by the operators as unfriendly to the companies, but the marshal was charged with the duty of preserving peace within the city. This he did, and compelled the gunmen when there, to obey the law.

DID THE OPERATORS TRY TO SETTLE THE UTAH STRIKE?

We have heretofore directed attention to the efforts made by the officials of the United Mine Workers and their counsel to settle the Utah strike and how they were denied even the courtesy of a reply. Now, nearly a year after the strike is over, they seek to escape the responsibility of their acts by stating that national guard officers tried to bring about a settlement between the strikers and certain operators in the Scofield area by submitting a proposition to Charlie Derose, president of the Scofield local. This statement is ridiculous. Imagine the absurdity of endeavoring to settle this strike with two little operators who, between them, did not employ a hundred men, when nearly three thousand men were out on strike! Think of the proposition, of supposedly sane men trying to deal with the president of a little local union, to settle a strike embracing all the coal operators within the state, and not an operator of any standing interested!

It is suggested that the proposed basis of settlement was to be a "wage scale as high as any in the country," yet the entire organization had, long before proposed to return to work on the reduced wage scale and to be governed by the one thereafter established in Utah and Wyoming. Next, it is suggested that this scale was to be "retroactive." We are indeed surprised to hear the

operators, even mention the word "retroactive." In order to try and secure strike breakers sufficient to enable them to keep their mines in operation, the operators association promised Governor Mabey that if, in the final settlement, the wages were increased above the reduced scale then being paid, that the new scale would be made retroactive to all employees who had served them during the strike. This statement was published in all the Salt Lake daily papers. The Utah Fuel Company posted notices at its various mines that this retroactive would be paid, but the other companies failed to post such notices, but gave out the impression to all, that the promises made the governor would be kept. But when the strike ended, every company in Utah repudiated the promises made the governor of the state except the Utah Fuel Company, and it limited the retroactive proposition only to those employees who were working for the company when the strike was called and continued until it ended. This but furnishes another illustration of the bad faith of the operators in dealing with their employes. Hundreds of complaints have been made by the strike breakers over this treatment, but all in vain.

Again, it is stated that the proposition of the national guard officers contained the provision that men were to be employed regardless of affiliations, and that as soon as fifty per cent of the operators of the state, recognized the United Mine Workers of America, they would do so. For months all the strikers had been willing to return to work if no discrimination was made against a union or a non-union man. The miners did not even ask for recognition of the union. Is it not remarkable that if the parties alleged to have made the proposals, and, if they, in good faith wanted them accepted, that they would not have been made to the officials of the organization having authority to conclude the strike or enter into an agreement? They well knew Derose, president of a small local, had no such authority. To say, that they would recognize the unino, when fifty per cent of the operators of Utah would do so, is not very illuminating, particularly when every person in the state of Utah well knew that the Utah Fuel and United States Fuel Companies were irrevokably opposed to the union, and that they control far more than fifty per cent of the mines of the state. Can it be imagined that guard officers would make such an offer when even the governor of the state had advised the union officials that such a proposition would not be entertained by the companies? Why try to mislead the public as to the attitude of the United Mine Workers on this matter, when it is an admitted fact that every operator in Utah would refuse to entertain any proposition of settlement that involved treating with members of the union?

But the presentation of this question by the operators in their brief (p. 23) is no more surprising than the discussion under the heading "Some Campaigns in Other States." The United Mine Workers of Utah do not propose to be diverted from the questions involved in the Utah field. The issues here are clean-cut and well defined. They relate alone to conditions in the coal mines of Utah. They involve alone the question of the unjust discrimination by the Utah coal operators against the miners of said state. We therefore decline to enter into any discussion, of the questions involved in eastern coal fields.

NATIONAL GUARD IN THE FIELD

The Mine Workers of Utah would never oppose the sending of state troops into a strike area if martial law was impartially administered. But the record of martial law enforcement in the districts where such law has been proclaimed, has convinced the miners that they never secure a "square deal." This was the condition in Utah during the strike of 1903 and 1904, when the guard was completely under control of Utah Fuel Company influences. At that time Captain Fred Kammerman then in command at Winter Quarters, was reprimanded and his removal practically demanded by the Utah Fuel Company officials, because he furnished an escort to the attorney for the mine workers, in order to enable him to make an investigation into certain unlawful attacks made by the company gunmen upon peaceful strikers, who had not yet been evicted from their homes at Winter Quarters. During that strike the guard was used in every way to assist the operators. There was no regard for the rights of the miners. Many of the United Mine Workers have experienced similar treatment in other states. So in 1922, both the officers and men desired to prevent the use of the national guard, believing that if the guard was called into the field, the effect would be to aid the operators in their unjust warfare and would prevent the strikers from exercising their constitutional rights. In this belief they were justified. True, at the outset, the operators were forbidden to import strike breakers, and protection was given individuals seeking employment on their own initiative. This policy received the hearty endorsement of the union officials. It was just and fair, but it only prevailed for a few days, when through certain under-ground workings unknown to these officials and through certain secret and mysterious influences this policy was changed. The commanding officer then announced that *any non-union miner desiring to enter the employment of the company would be protected by the national guard.* In other words, the operators could recruit unfair labor in any quarter. They could ship in the strike breakers from surrounding states and receive guard protection in so doing. As heretofore explained, this action was protested, but without avail. Then the United Mine Workers *demanded the right to conduct peaceful picketing under the conditions defined by the highest courts of the land.* But this right was denied them. They then asked that they be given the *right of free speech,* that they be given the right to hold public meetings and to advocate the cause of labor, *that they be given guard protection in the exercise of these rights,* but *they were denied these rights.* In other words, the guard became, as the operators desired it should become, *a weapon in their hands to destroy the morale of the striking miners;* that *it be used to protect the strike breakers and to safeguard the operators in the enforcement of their policies designed to destroy organized labor.* The operators had a dual purpose in securing the services of the guard. First: if the guard was brought into the field, then their gunmen, and other warlike, expenses would immediately terminate, and *this burden would be shifted to tax ridden people, and paid out of the public treasury.* Second: the guard would become virtually a tool in the hands of these smooth operators, to be used by them in carrying out *not only their mercenary objects; but to help them keep the mine workers as toiling slaves;* and to prevent the organization of these miners into a fighting unit, capable of demanding humanitarian reforms and a measure of justice

to those, who deep down in the earth toil for the benefit of mankind, but more especially for the enrichment of the coal monopolist. However, it was only, when the unlawful attack of the gunmen under the command of Superintendent Henness resulting in the death of A. P. Webb, furnished the necessary excuse, that at last brought the guard to the operators' aid. Then the gunmen expenses stopped;—the guard—policy desired by the operators was secured, and the good people of Utah had the additional unsolicited burden of $71,372.67 of taxation placed upon them. The paying of this amount by the state for guard services was just so much money wrung from the people, to help the coal extortionist of Utah destroy organized labor. But even with the state paying this expense, and the operators able to secure incompetent, expensive and unskilled labor, they could not win the strike. The community was not disorganized by the strike, or the organizers as charged but labor in its demand for a just wage scale triumphed. It was for the reason stated that the United Mine Workers were so determined not to furnish an excuse for declaring martial law. They know too well that the public would have to pay the bill twice over, first: by the increased tax burden and second, by the increased price of coal which the monopolist would surely impose. We know that the state treasury has already contributed the sum of $71,372.67. But the coal *consumers are still paying their tribute to the enemies of labor.* This fact will be made to appear more convincingly hereafter. Is it any wonder that the Utah Mine Workers were determined not to furnish the excuse, the operators wanted, in order to secure the national guard?

THE DIFFERENCE BETWEEN WYOMING AND UTAH CONDITIONS

But why deny labor the right to organize? Wyoming, our adjoining state, is fully organized. Note the conditions in Wyoming during the strike as compared with the conditions in Utah. There was not an armed guard in the state of Wyoming. In some places, it was necessary to maintain watchmen to prevent fire and loss of property. Did the Wyoming operators hire gunmen and place them in charge of their property? No. They just called on the local union officers to furnish the necessary men for the work needed, and they were furnished. In Wyoming there were cordial and friendly relations existing between operators and miners. The operators and miners awaited the settlement of the strike in the central competitive field, and then they quietly met in conference and made the necessary modifications applicable to the Wyoming situation. Then the men went back to work. There was no intimidation, no violence nor the borrowing of rifles from sheriffs to arm gunmen. No gunmen hunting trouble in order to secure at public expense national guard service! There was a mutual recognition of the rights of the operators as well as of the miners. There was no refusal to right wrongs. Arbitration or conferences to adjust grievances and settle differences are the methods there employed. Why should this be enlightened policy be refused by the Utah operators?

OPERATORS CONTROL IMPORTANT COUNTY OFFICES

The operators always manage to control the board of county commissioners in Carbon county. These commissioners are very important individuals. They have charge of the public roads

and the highways. It is very convenient to have a favorable board, particularly when you want to close these roads and highways to the public, during strike times. These commissioners have the right to fix the amount of many of the tax levies, it is therefore very agreeable to have "the ear" of a friendly commission, so that the levies will not be too high, or if the levy is made too high and the assessor will persist in returning a valuation, not satisfactory to the operators, to then have a sympathetic board of commissioners, "who will be considerate" when sitting as a "board of equalization," thereby checking the ravenous desires of a county assessor. But there are still other reasons for the operators entertaining cordial relations, with the commissioners. For example, in strike times it is always well to feel safe and secure; to know that the sheriff can have commissioned all the deputies he desires, or for that matter, all that the operators may wish commissioned. To know that it will make no difference whether the deputies reside in Carbon county or whether they be professional gunmen imported for the occasion. There is no denying the fact that these Utah coal operators know the real worth of a good commission—one who knows its business—or if it does not then to have one that will take "counsel" and act upon friendly advice—given by the operators or their attorneys.

In the recent strike (of course it was an accident) the operators had, not only one friend —"but three friends at court." Who are these gentlemen—what is their business and where do they reside? (a) Eugene Santschi—an outside boss, working for the United States Fuel Company, and residing at Hiawatha. He draws at least living compensation from this fuel company in addition to his salary as county commissioner. (b) William Edmun is an employee of the Utah Fuel Company, residing at Castle Gate. He holds a responsible position with this company and is receiving commensurate compensation in addition to the salary allowed by law for his public duties. (c) A. E. Gibson was an employee of the Knight Fuel Company at the time he was elected to office, and is now working for a new coal company which is being promoted by one of Utah's illustrious citizens, Mr. Jack Dempsey. Gibson at least was not unfriendly.

Of course no one would expect these gentlemen to do any thing other than their duty—as it is made to appear to them—by their employers—the coal operators.

Well, to say the least, the Utah Fuel Company, and the United States Fuel Company could not feel that they were discriminated against and it is not improbable that their respective employees were open to suggestion, even upon strike matters.

We already have observed how accommodating the sheriff was, particularly when it came to loaning six Springfield rifles together with a plentiful supply of ammunition to Superintendent Henness, so that he could arm properly his gunmen for an attack upon the alleged "lawless, warlike strikers." It was these county officers who were always ready to respond whenever the operators wanted the governor to be advised "that the situation in the coal fields was beyond the control of the officers." They were the men who helped to create the prejudice against the strikers, the men were at all times the pliant tool of the operators; the men who courted the gunmen rule in Carbon county and permitted mob law to exist as it did at Black Hawk, and Standardville without a protest. If these operators had been refused gunmen and company "guard

law" was not allowed, if these operators, as well as all other persons, were required to live within the law; had there been an honest impartial enforcement of the law in Carbon county, there never would have been a moment's trouble, and $71,372.67 would not have been paid by the tax payers on account of the unlawful acts of the operators. *In other words—if the enforcement of the criminal law was not in the hands of the operators, but in the hands of independent, fearless officers, there would be a different story to relate.*

OPERATORS' UNLAWFUL INCREASE OF COAL PRICES. PUBLIC FORCED TO PAY STRIKE EXPENSES. CRIMINAL OPERATORS INDICTED

The coal operators association of Utah have for years combined to control prices. By their action they have plundered the public and compelled the consumer to pay the unnecessary strike expenses occasioned by their unjust discrimination against their employees.

In September 1922 after the strike had been in progress for more than five months, during which time the mines had been operated under the reduced wage scale, the public was treated to an increase in the price of coal amounting to $1.00 a ton. Citizens of Salt Lake were so outraged by this high-handed action, that a demand was made for an investigation of their unlawful acts. A grand jury was impanelled and spent weeks in its investigation. As a result, two indictments were returned. The first against the Utah Fuel Company, Standard Coal Company, United States Fuel Company, Royal Coal Company, Knight Fuel Company, F. N. Cameron, general manager of the Utah Fuel Company, C. B. Hotchkiss, assistant manager of the Utah Fuel Company, F. A. Sweet, president and general manager of the Standard Coal Company, Morona Heiner, vice-president and general manager of the United States Fuel Company, F. H. Rolapp, president of the Royal Coal Company and J. W. Knight, general manager of the Knight Fuel Company. The second indictment was against the same parties, except F. A. Sweet, but included as additional defendants, the Independent Coal & Coke Company, and J. H. Tonkin, its general manager.

The indictments charged a violation of Section 4476 of the Compiled Laws of Utah, 1917, which is as follows:

> "Any person or association of persons who shall create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other person or persons to regulate and fix the price of any article of merchandise or commodity; or shall enter into, become a member of or a party to any pool, trust, agreement, contract, combination or confederation to fix or limit the amount or quantity of any article, commodity or merchandise to be manufactured, mined, produced or sold in this state, shall be deemed and adjudged guilty of conspiracy to defraud and be subject to punishment as hereinafter provided."

The punishment provided for a corporation so offending is a fine in any sum not less than $100.00 nor more than $2,000.00 for the first offense, and for the second offense a fine of not less than $500.00 nor more than $5,000.00; and the punishment provided for any offending presi-

dent, manager, director or other officer is a fine of not less than $100.00 nor more than $1,000.00, or confinement in the county jail for not more than one year, or both, in the discretion of the court.

One of the indictments charges the unlawful act as having occurred on the 15th day of April, 1922, by agreeing to maintain the price of $5.00 per ton for lump coal at the mine. The other charges that on September 3, 1922, the defendants unlawfully agreed to keep and maintain a price of $5.50 per ton for lump coal at the mine. The price of lump coal had been fixed at the mine by the operators on November 12, 1921, at $4.00 per ton. This price continued until November 26th of that year, when it was increased to $5.00 per ton. This price remained until April 22, 1922, when it was reduced to $4.50 per ton, and continued at that price until September 6th, when it was increased to $5.50. The increased price on September 6th, was $1.00 per ton. This increase was added to the retailed price and the public had to pay this extra amount. The finding of the indictments did not give the people any immediate relief, for the same extortionate price was in effect until the latter part of January 1923. During all of that time the consumers at Salt Lake City were paying $10.00 per ton for this coal. The average railroad haul from the mines to Salt Lake is 125 miles, three-fifth of the distance being down hill. The Denver & Rio Grande Railroad then owned the stock of the Utah Fuel Company, and the Pleasant Valley Coal Company, and the Utah Railway Company is owned by the same people who own the United States Fuel Company with mines in Mohrland, Black Hawk, Hiawatha and Heiner. These railroad companies received $2.10 per ton for hauling this coal 125 miles. Can there be any doubt that these coal operators controlled the prices and plundered the public? In the opinion of the operators it was a grievous offense for the miners to ask for a living wage. By so doing they became "warlike and resorted to violence and intimidation." These charges were repeatedly made in the brief filed by the operators, but never a word is said about their defrauding the public, and violating the state statute. The United Mine Workers, when prosecuted under the direction of these operators, are criminals, but with indictments pending against these same operators—this is outrageous, for they can do no wrong. They are a law unto themselves. It is proper for them to defraud the public, but it is criminal for a man who toils, to demand a living wage.

OPERATORS CAMPAIGN OF VILLIFICATION CONTINUES

The strike has been ended eleven months, but the operators' campaign of villification continues against the United Mine Workers and their friends. During the past eight months while the cases growing out of the Webb killing have been on trial, two newspapers published at Price, and whose policies are dictated by the operators have printed week in and week out every conceivable falsehood concerning these defendants, the United Mine Workers, and the cause they represent. During this campaign of misrepresentation, these papers have never in a single instance printed even a semblance of the facts concerning these cases. Extra editions have been issued when a verdict of guilty had been rendered, but when three of the defend-

ants were acquitted, the story in abbreviated form found lodgment on an inside page. Every statement calculated to prejudice the public against the Greek miners has been published. A persistent campaign to discredit the United Mine Workers officials has been carried on. Anything that tended to discredit them in the eyes of the public and in the estimation of the miners has been sent broadcast. These slanders and misrepresentations have not been confined to labor people alone. Even the governor of the state, Honorable Charles R. Mabey has been the victim of their venomous hatred, because the operators could not use him, as they do certain owned truculant officers in Carbon county. In glaring headlines the governor has been called "Mabey, the Weakling." In other statements he has been charged with being responsible for the death of A. P. Webb, and again he is accused of being responsible for the expenses incident to the Carbon county trouble. The heading of this charge was as follows: "Mabey's weakness cost state and Carbon county huge sums." Ever since the governor learned something of their gunmen methods, he has been a target for their abuse. Their entire propaganda has been, and now is being carried on, but *for one purpose, and that is to discredit and if possible forever destroy the United Mine Workers organization in Utah.* These operators know that unionism is not dead. But as long as it is in their power to deny labor its just rewards and proper consideration the operators intend it shall be done. They know that the struggle for the right and for a just recognition of labor will continue. These coal barons however have had their employees in slavery for so long, that it is a rebellion in their estimation, to talk of right and justice, liberty and industrial freedom. So the operators will no doubt continue this same policy and their same methods. Never will they permit the truth to be known if they can prevent it. They will continue to file briefs and publish newspaper articles in an endeavor to cloud the real issues involved in the Utah strike.

CONCLUSION

The real contest carried on by the Utah operators during the year 1922 was not on account of wage or working conditions—*it was to prevent the establishment of the United Mine Workers organization in Utah.*

It was a fight to destroy forever unionism in the Utah coal fields.

It was to prevent any united effort to right labor wrongs.

It was to disorganize the forces of labor, thereby preventing collective bargaining with the Utah miners.

It was that the coal operators should remain the absolute dictators in all matters relating to coal production.

In the 1922 contest the operators met their first defeat. It was not accomplished by the Utah miners, but was the result of the combined efforts of more than 700,000 miners in the United States.

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These men standing together forced these heartless monopolists to grant a living wage. The wage was reluctantly paid by the Utah operators; and it furnished a warning that the days of gunmen rule were to come to an end.

True, the United Mine Workers organization was not recognized, but with intelligent leadership, with a firm determination that justice shall prevail and with a united effort, labor in Utah will yet be recognized and receive its just reward.

Time will justify the actions of the men and women who so valiently fought and suffered in the 1922 campaign. The truth concerning that industrial controversy will yet be known. When that time comes the course of the United Mine Workers of District Twenty-Two will be vindicated.

Respectfully submitted,
FOR THE UNITED MINE WORKERS OF AMERICA,
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